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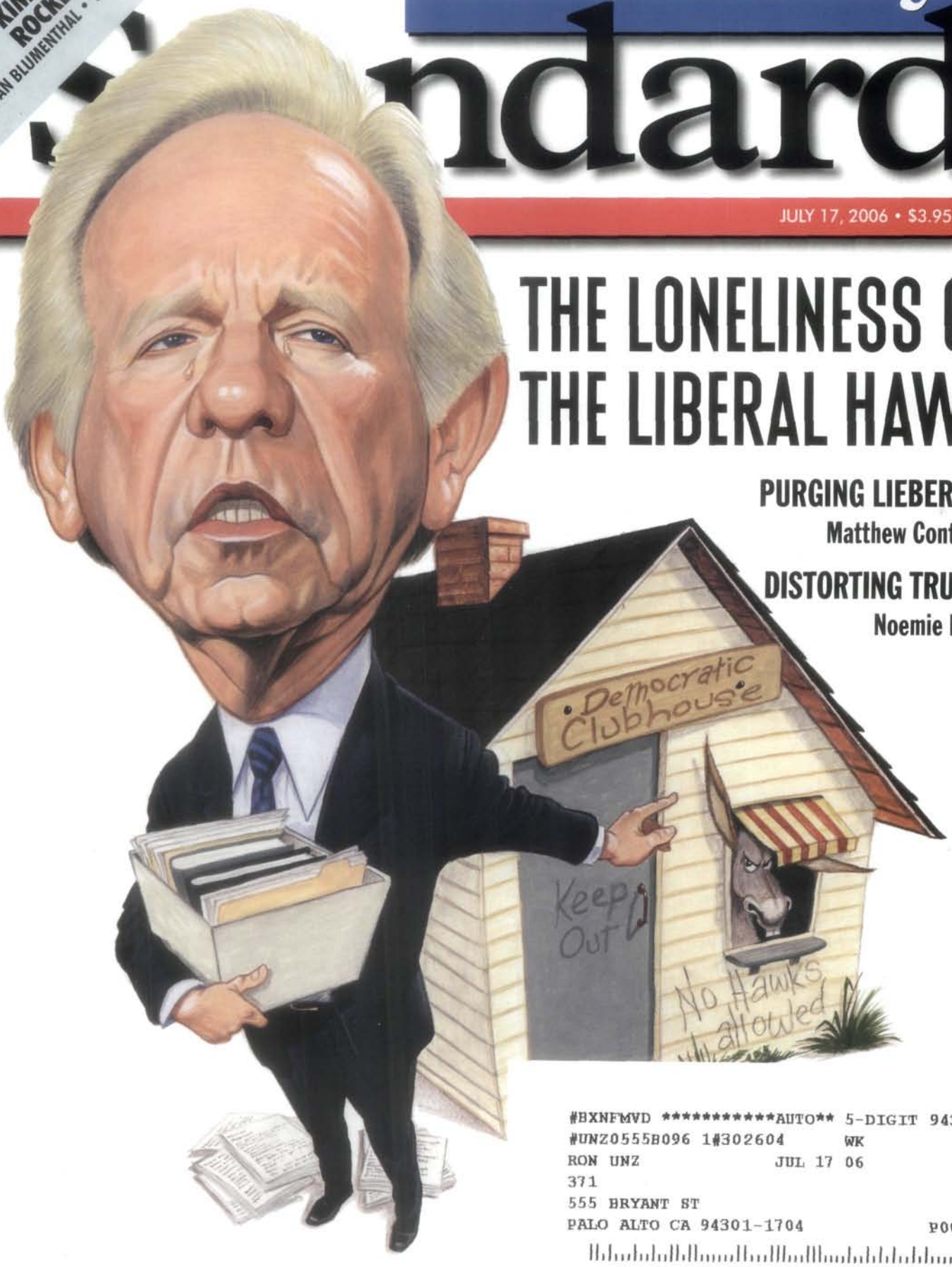
KIM JONG IL, ROCKET MAN
DAN BLUMENTHAL • WILLIAM KRISTOL

THE LONELINESS OF THE LIBERAL HAWK

PURGING LIEBERMAN
Matthew Continetti

DISTORTING TRUMAN
Noemie Emery



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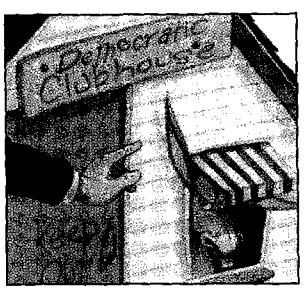

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Diplomatic Failure 101

Is there a Korean word for "chutzpah"? That was our reaction last Tuesday listening to Madeleine Albright on CNN. Speaking by phone to Larry King just hours after North Korea began test-firing missiles, the former secretary of state told us to blame—you guessed it—George W. Bush. "Frankly, Larry, I think the problem here is that we are watching the failure of five years' worth of American diplomacy," Albright said. "I'm very worried about it, and I hope very much that we do have a review of our North Korean policy."

THE SCRAPBOOK is not sure what sort of "diplomacy" Madame Secretary has in mind. Maybe she thinks Condi Rice should serenade the North Korean foreign minister with spoofs of show tunes. Or maybe she thinks her successor should attend one of those Macy's Day Parade-type propaganda routines in the streets of Pyongyang. She could sit next to Kim Jong Il, and later toast the Dear Leader over a bottle of champagne.

We're joking, of course. But we thought it worth recalling two of the seminal moments in Albright's own North Korean diplomacy. In July 2000, at the ASEAN Regional Forum (ARF) in Bangkok, Albright said of her North Korean counterpart: "Just had my first handshake, with Foreign Minister Paek. Used to think he was a rogue, but here at ARF, he's so in vogue." To be fair, her remark was part of a silly ritual in which diplomats make clowns of themselves by performing song-and-dance skits on ARF's final night.

Less funny was her trip to Pyongyang the following October, which earned Albright a scathing rebuke from the *Washington Post* editorial page:

> Secretary of State Madeleine Albright said she found "amazing" the pageant she watched in Pyongyang alongside North Korean leader Kim Jong Il. We found it amazing, too, but not for the same reason. We were amazed that the secretary of state would allow herself to be photographed, smiling, as 100,000 essentially enslaved laborers performed for her and one of the world's most repressive dictators. Secretary Albright clinked champagne glasses with Mr. Kim; she found him to be "very decisive and practical and serious." But about the nation's 150,000 political prisoners, she had no public comment. . . . Her silence on this repression diminished U.S. credibility, not only in North Korea but in less threatening countries where the administration chooses to speak, more openly, about human rights.

Kim and Albright, October 2000

AFP / Chien-Min Chung

The hallmark of Clinton policy was supposedly the 1994 Agreed Framework, which banned Pyongyang from churning out nukes in return for billions worth of aid. But as the North Koreans have since acknowledged, they spent most of the '90s trying to produce weapons-grade uranium—and, in 1998, launched a Taepodong-1 rocket over Japan. Meanwhile, as they diverted foreign aid into WMD and missile factories, millions of North Koreans died of starvation.

"Looking at this record," quipped *Investor's Business Daily*, "maybe Albright actually had it right. North Korea's acquisition of nuclear weapons and ever-more sophisticated ballistic missiles—including the Taepodong-2 C launched this week—were indeed the result of five years of failed diplomacy. It's just that the five failed years lasted from 1994-1999." ♦

Great Moments in Social Science

On the blog of political scientist Dan Drezner, we came across one of the cleverest pieces of academic research in recent memory: a paper by Ray Fisman of Columbia University and Edward Miguel of Berkeley—both economists affiliated with the National Bureau of Economic Research—entitled "Cultures of Corruption: Evidence from Diplomatic Parking Tickets." Thanks to the presence of the United Nations headquarters in New York City, coupled with the loophole known as diplomatic immunity, which allows the ambassadors of every nation on earth to violate New York's parking laws with impunity, a unique research

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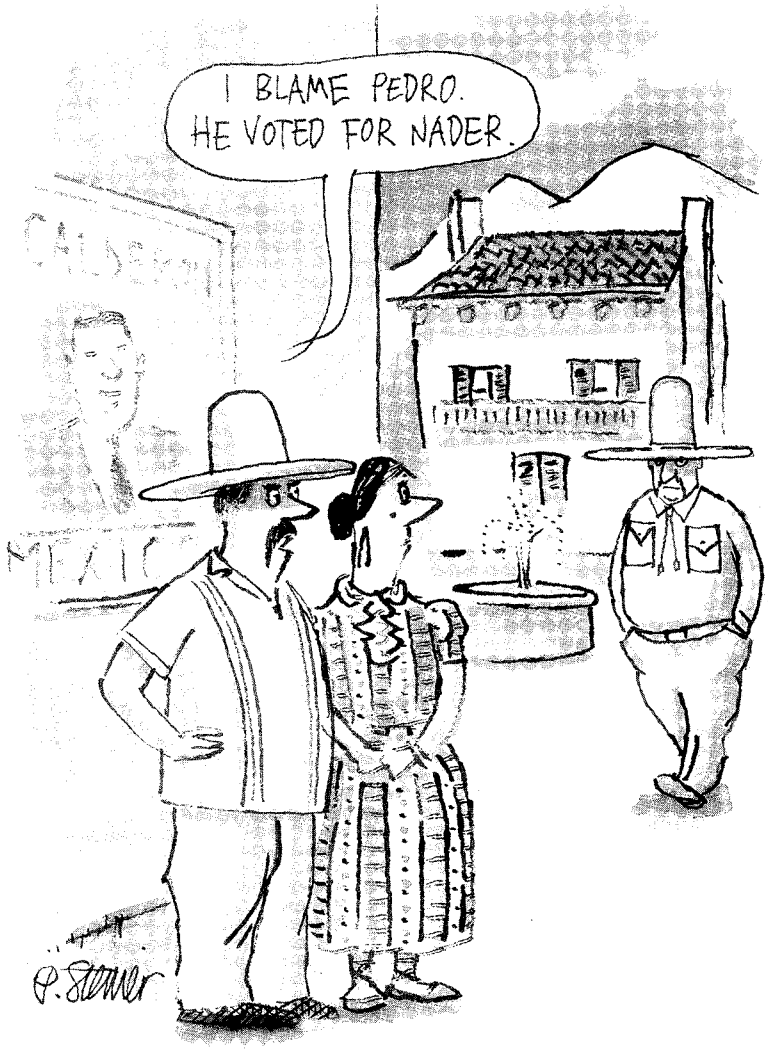

opportunity presented itself. As the authors explain,

> Corruption is believed to be a major factor impeding economic development, but the importance of legal enforcement versus cultural norms in controlling corruption is poorly understood. To disentangle these two factors, we exploit a natural experiment, the stationing of thousands of diplomats from around the world in New York City. Diplomatic immunity means there was essentially zero legal enforcement of diplomatic parking violations, allowing us to examine the role of cultural norms alone.

Fisman and Miguel's fellow scholars will be enthralled by their regression analysis, which shows a "roughly linear" relationship between the "existing country corruption index" and the corruption of diplomats as measured by their "New York City unpaid parking violations." In layman's terms: "cultural or social norms related to corruption are quite persistent: even when stationed thousands of miles away, diplomats behave in a manner highly reminiscent of officials in the home country. Norms related to corruption are apparently very deeply ingrained."

All you non-scholarly types out there will want to turn straight to the handy chart on page 18: "Average Unpaid Annual New York City Parking Violations per Diplomat, 11/1997 to 11/2002." Here are the worst violators, the top of the heap, the dirty dozen: Kuwait, 246.2; Egypt, 139.6; Chad, 124.3; Sudan, 119.1; Bulgaria, 117.5; Mozambique, 110.7; Albania, 84.5; Angola, 81.7; Senegal, 79.2; Pakistan, 69.4; Ivory Coast, 67.1; Zambia 60.4.

Remember: Those are the average number of unpaid tickets each diplomat racked up per year. Totals are even more impressive. Egypt, for instance, had 24 diplomats in its mission for the years in question, meaning the mission as a whole failed to pay 16,752 parking tickets from November 1997 to November 2002.

The full study can be found at *www.usc.edu/schools/business/FBE/seminars/papers/AE_4-28-06_FISMAN-parking.pdf.* ♦

Bigotry in Our Time

All those years when THE SCRAPBOOK took potshots at the *New York Times*, we understood ourselves to be engaged in press criticism. Silly us. Turns out, according to the unassailable logic of *San Francisco Chronicle* columnist Jon Carroll, that criticism of the *New York Times* is a deviously clever form of Jew-baiting.

Quoth Carroll: "The name of the *New York Times* contains the word 'New York.' Many members of the president's base consider 'New York' to be a nifty code word for 'Jewish.' It is very nice for the president to be able to campaign against the Jews without (a) actually saying the word 'Jew' and (b) without irritating the Israelis."

Hmm. If we accuse Carroll of auditioning for a column at the *Times*, could that be construed as anti-Semitic? ♦

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Casual

Terminal Case

Standing by the baggage carousel at Dulles airport the other week, I started to get that sinking feeling. Only a few pieces of luggage remained unclaimed. The passengers I recognized from my flight had disappeared. New people stood next to me, but eventually they, too, left. Then the carousel stopped altogether. I had to face the fact that my luggage had been left behind. Or lost.

Now, I know what you're thinking: I am going to shamelessly use this column to lodge a complaint in the hope of getting some sort of compensation. Not quite. Try to think of this as a public service. That I am, in fact, selflessly speaking for those who do not have a voice.

My ordeal started in Milan, where my plane sat on the tarmac for almost an hour. By the time it landed in Zurich, my connecting flight to Washington-Dulles was already boarding. I barely made it onto United Airlines flight 937—alas, my bag did not.

At Dulles, I went to baggage services to report my problem (which took a few minutes because the United representatives decided to have an extended discourse on the distinctive ethnic traits of Lithuanians). Eventually they assured me that my bag would be delivered the following day.

So I stayed home that Monday, patiently waiting. Online, I learned my bag was due to arrive between 6 and 10 P.M. But at 9 P.M., United called to tell me it might take another five hours. At 3 A.M., a fellow stood outside my door, supposedly with my luggage in hand. Glancing down, however, I noticed—even in my groggy state—that it was not mine. It belonged to someone named D. Richardson.

Shortly after 3 A.M., I phoned United. The representative asked for a full description of my bag. "Does it have an ID tag?" "Yes," I said, "it's brown suede." "Does it say brown suede?" "No, that would be the material." "What about this other person's name? How is it spelled?" and "What was her bag number?" "I don't know," I replied, "I gave it back to the driver." The man apologized on behalf of United and promised "immediate action."

I called the airline the following afternoon—itself an excruciating experience. First you must deal with an automated service, and if you don't know the magic word ("agent"), you can spend several minutes on the phone with a machine. Then comes the waiting period, which can last more than an hour (69 minutes, I was informed). On several occasions, after being on hold for 20 to 30 minutes, I was suddenly disconnected. Then I had to start all over again.

Darren Gygi

When I did manage to speak with a person, he or she was indeed considerate. But the questions I was asked were the same ones each time I called. The representative would note that, according to the computer, I had already received my bag. I would point out that the bag that had been delivered wasn't mine. But whose was it? What was her name? How was it spelled? Where was she going? Over and over.

By Thursday, United concluded my luggage had been accidentally shipped to Columbia, South Carolina. The airline would try to contact that airport to retrieve it, though this would be difficult as the facility is small and minimally staffed. And what if my luggage were just left there? It would eventually get sent to Chicago and put in a giant warehouse (like the one in the last scene of *Raiders of the Lost Ark*) where United personnel would carefully examine each item to determine ownership. (One way they might do this would be by checking my luggage ID. It bears my name, address, and cell phone number—just a thought.)

A glimmer of hope came from a United rep named Danny who told me in his thick Chicago accent that he really would do his best to find my bag. Unfortunately Danny was taking off the next couple of days—but when he came back, he would check on my status.

On Sunday morning, one week after my return home, I received a call from United at Dulles. They had luggage for me and were planning to deliver it soon. I didn't hold my breath. But by noon, a van pulled up and dropped off my now beat-up garment bag (the pull-out handle is broken). I have no idea where it had been, considering the only destination tag on it was the one from Zurich.

I understand United, like any airline, transfers a lot of bags every day from across the globe. Precisely how many I do not know, since my emailed question has gone unanswered. But maybe someone at United will read this column—someone like CEO Glenn Tilton. If so, no hard feelings. Just thought you'd like to know your system's broke and you might want to work on ways to fix it. Also, do you think maybe I can get a couple of vouchers for travel within the continental United States?

Victorino Matus

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Correspondence

Primary Battles

Mark Hemingway's "High Noon in Michigan" (July 3 / July 10) contained errors that could have been easily avoided had the author called me or anyone authorized to represent the Michigan Republican party for comment with regard to Michigan's role in the 2008 GOP presidential nominating process.

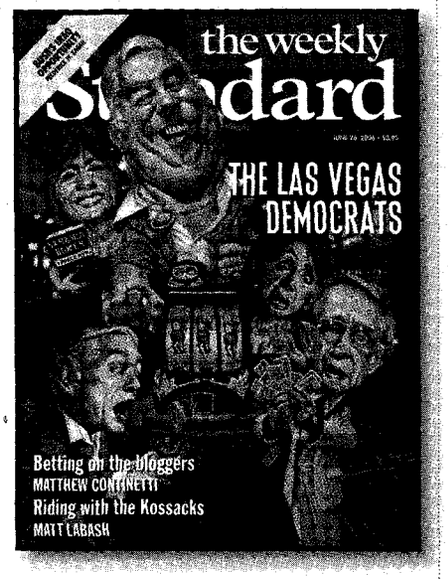
In the open presidential primary in 2000, self-identified Democrats and Independents equaled the number of Republicans voting in the GOP primary. Last year, the Michigan Republican party sought to alter the process to avoid the same dynamic in 2008. Ensuring that Michigan Republican voters determine who is awarded presidential delegates is not my goal alone, but rather one that was voted on by the Michigan Republican State Committee. Since passage by the GOP state committee, we have come to an agreement with the Michigan Democratic party whereby both parties will hold their primary on the same day and participants will have to choose one ballot, either Republican or Democrat. This agreement now needs legislative approval.

Further, I am not now, nor have I ever been, a partner, employed by, or in any way financially affiliated with the Sterling Corporation. Although Sterling does do consulting work for the Michigan Republican party and also for numerous other political and corporate clients, it is because of their abilities and proven success that I value their contribution, not for any other reason.

Hemingway was correct in the sense that there is energy and excitement in Michigan. The hubbub is not the result of candidates wrangling for position in 2008, however, but of Dick DeVos's campaign of hope and leadership needed to bring Michigan back, and the opportunity to send a U.S. senator to Washington who will fight for Michigan instead of wasting space for six more years. This is our focus, this is our goal, and this is what drives the Michigan Republican party.

Saulius "Saul" Anuzis
Chairman, Michigan Republican Party
Lansing, Mich.

Mark Hemingway responds: I never said that it was Saul Anuzis's goal alone to close the Michigan Republican



presidential primary. Indeed, I noted that there were a number of high-profile Republicans in the state who were unhappy with the outcome of the 2000 Republican primary.

Further, I also stressed that these rules are only tentatively agreed to by the GOP's state committee. Passage of new primary rules by the legislature is not by any means a slam-dunk, nor will the new rules mean that Michigan has a "closed" primary.

As for my description of Anuzis as a former partner of the Sterling Corporation, I apologize for the error.

It is the case, however, that Anuzis has a history of working relationships with the partners in the Sterling Corporation. Indeed, Anuzis has hired a number of employees of the Sterling Corporation to work for the state GOP, including for the top two positions—Jeff Timmer as executive director and Anne Marie Lindley as finance director.

In late April, a Michigan Senate candidate, Jerry Zandstra, called for Anuzis's resignation. Zandstra alleged that Anuzis broke a promise to remain neutral in the Senate race by supporting his opponent, Mike Bouchard. Bouchard happens to be a client of the Sterling Corporation. Finally, a quick perusal of financial disclosure forms at the Michigan Bureau of Elections shows that since Anuzis took over as chairman the state GOP has compensated the Sterling Corporation on a level far beyond any other Michigan-based political consulting group.

Happy Few

Quoting one of the most famous speeches in the English language, Michael Fumento's "The New Band of Brothers" (June 19) incorrectly states that Shakespeare, in *Henry V*, was specifically describing the English soldiers "celebrating a devastating and historic defeat of the French at Agincourt." The English were outnumbered by as much as five to one and did deliver a crushing defeat to the French, but the speech was given by Henry V *before* the battle. How much more powerful the speech is when we realize that it was given when Henry was facing the possibility of losing the battle and his army.

Ben Brown
Lehigh Acres, Fla.

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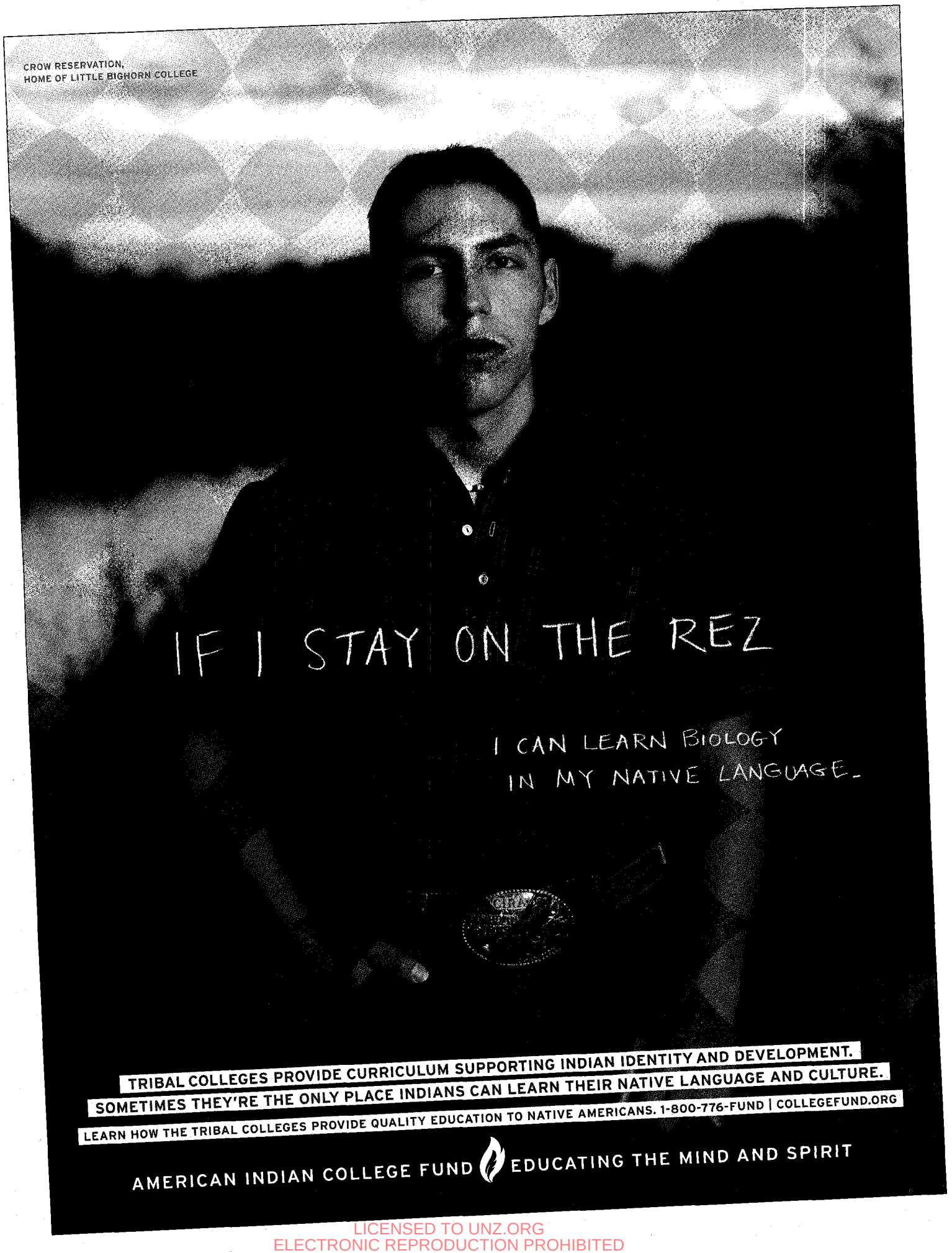

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the weekly Standard

Kim's Choice—and Bush's

"There's a choice for [Kim Jong Il] to make. He can verifiably get rid of his weapons programs and stop testing rockets, and there's a way forward for him to help his people. I believe it's best to make that choice clear to him with more than one voice, and that's why we have the six-party talks. And now that he has defied China and Japan and South Korea and Russia and the United States—all of us said 'don't fire that rocket.' He not only fired one, he fired seven. Now that he made that defiance, it's best for all of us to go to the U.N. Security Council and say loud and clear, 'Here are some red lines.' And that's what we're in the process of doing."

—President Bush, at a press conference in Chicago, July 7, 2006

There's a choice for him to make? Hasn't Dear Leader made his choice? All of us said don't fire that rocket. He fired seven rockets. As President Bush put it, "he made that defiance."

Having made it, what price will the North Korean dictator pay? Well, five of the six parties to the six-party talks are going to go the Security Council to set forth some new "red lines." (They'll be more like pink lines, thanks to the Russians and Chinese playing their usual role at the U.N.) And when Dear Leader again chooses defiance—what then? Some new mauve lines?

The red lines, pink lines, and mauve lines of U.S. foreign policy seem increasingly to be written in erasable ink. What was "unacceptable" to President Bush a week ago (a North Korean missile launch) has been accepted. In retrospect, according to a draft Security Council resolution, the missile launch turns out merely to have been "regrettable." Our assistant secretary of state for East Asian and Pacific Affairs, Christopher Hill, visited China at the end of last week, where he was rebuffed by Beijing on sanctions for Pyongyang. He settled for an agreement that we should all return to the six-party talks.

China, it bears emphasizing, has refused to use its leverage to change Pyongyang's behavior (North Korea continues to function only because China provides most of its energy). Yet President Bush praised China last Friday as "a good partner to have at the table with us." Japan, with a ringside seat for the missile launches, looks on in horror, seemingly alone in actually being provoked by the North Korean "provocation."

Meanwhile, in the Middle East, at the center of our global war against jihadist terrorists, Iran, perhaps the prime state sponsor of terror, is sitting pretty. The pursuit of nuclear weapons by the clerical regime in Iran has also been deemed "unacceptable" by the president. Yet, as the Iranian regime has resumed uranium enrichment, threatened to obliterate other nations, and scorned offers to negotiate, it has been rewarded with gestures by us that certainly seem to be concessions. Now, watching North Korea, the mullahs must be feeling even less intimidated. And despite Syrian and Iranian complicity in killing U.S. soldiers in Iraq—detailed by our generals—neither has paid a price.

The one "red line" the president seems to be holding to is that we will not cut and run in Iraq. But even there, there seems to be no interest in rethinking a counter-insurgency strategy (or nonstrategy) that is not working. Indeed, the president took pains at his press conference Friday to reiterate that he would not insist on changes: "General Casey will make the decisions as to how many troops we have there. . . . I told him this, I said, 'You decide, General.'" So we have a Rumsfeld-Casey decision to plan for a not-too-embarrassing withdrawal from Iraq, rather than a Bush decision to insist on a strategy for victory in Iraq.

But hey, we're in sync with the EU-3 and the U.N.-192. And our secretary of state—really, the whole State Department—is more popular abroad than ever. Too bad the cost has been so high: a decline in the president's credibility around the world and sinking support for his foreign policy at home.

A few weeks ago, Michael Rubin lamented in this magazine that Bush's second term foreign policy had taken a Clintonian turn. But to be Clintonian in a post-9/11 world is to invite even more danger than Clinton's policies did in the 1990s. The real choice isn't Kim Jong Il's. It's President Bush's.

—William Kristol

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The Bush Bounce

He's only part way back.

BY FRED BARNES

THERE'S JOY at the White House again and less anxiety among Republicans in Congress. The excesses of the press and Supreme Court are bringing Bush and rebellious conservatives closer together. Iraq is better off. The American economy is humming. The White House has made no harmful missteps. And the president's job approval rating is rising.

Yet the Bush recovery is not complete. "We're in a better place than we were two or three months ago," says Republican national chairman Ken Mehlman. "But [the midterm election] remains fundamentally a difficult election." Far more Republican House and Senate seats and governor's offices are at risk than Democratic ones.

A Bush rebound—at least a weak one—was probably inevitable. For more than a year, the president was beset by bad luck (Katrina, the Dubai ports deal), failed initiatives (Social Security reform, the Harriet Miers nomination), and persistent trouble in Iraq. His approval rating dropped to an artificially low 31 percent in the Gallup Poll, far below its natural zone between 40 percent and 50 percent.

There's no doubt, however, that a proactive White House bolstered Bush's recovery. In fact, Bush aides have pinpointed the date when they believe the turnaround began: May 15, the day the president delivered a nationally televised address from the Oval Office on immigration.

The speech emphasized beefed up security along the border with Mexico. But Bush didn't back away from his long-held view that illegal immigrants already in the United States should be offered a path to citizenship and that a program for bringing foreign workers here temporarily—"TWP" in White House argot—should be established. Bush's insistence on this "comprehensive" approach didn't please anti-immigration conservatives, but his aides think it eased the worries of soft Republicans and moderates and suburbanites about immigration. Besides, an aide insisted, "standing for something helps you."

So does a crisper White House operation under chief of staff Josh Bolten. "I don't know if we're seeing a Bolten bounce, but we are seeing a Bolten effect," says a Bush aide. "We haven't committed any significant errors. That's important, since we don't have much margin for error."

Especially not on Iraq. The war is unpopular, but it has nonetheless helped the Bush recovery in three ways. First, the killing of the terrorist Zarqawi and the formation of a permanent Iraqi government were encouraging developments. Second, the president punctuated his support for the new government with a surprise visit to Iraq, and he's gone on the offensive again in speeches defending his policy. On July 4, he told soldiers at Fort Bragg, North Carolina, he won't allow the death of 2,527 troops in Iraq "to be in vain by pulling out before the job is done." Third, Democrats have fumbled the Iraq issue.

A major Democratic blunder was the elevation of Representative John Murtha of Pennsylvania to the status of chief party spokesman on Iraq. On *Meet the Press* last month, he cited the humiliating American retreats from Lebanon in 1983 and Somalia in 1993 as models of what the United States should do in Iraq. Another blunder was forcing—and losing—a congressional debate on Iraq. "It helped Republicans and hurt Democrats, something that many pundits didn't believe was possible," a White House aide claims.

For the moment, the issue agenda has turned favorable for Bush and thus for Republicans. His best issue is national security and the war on terror, and the Supreme Court pushed that issue front and center. While striking down the administration's plan for prosecuting terrorists held in Guantánamo, the court said Congress could authorize and set the rules for prosecutions. And that's what Congress will try to do this month, no doubt with extended debate on how to deal with terrorists.

Meanwhile, the *New York Times* has legitimized White House press bashing by disclosing a secret program for tracking al Qaeda money transfers. When your enemies are liberals on the Supreme Court and in the media, even disgruntled conservatives tend to rally to your side.

At worst, Bush has bottomed out. At best, he's on his way to renewed popularity. "We've stopped our fall and begun to gain back ground," a White House official says. "But we need to make more progress between now and November 1." For one thing, Bush needs to pick up another 5 percentage points or more in approval from likely voters and perhaps as many as 10 points among adults, the group normally sampled by media pollsters. Either way, that would put him in the high 40s, a lofty enough level to assure Republicans he won't be a drag in the election.

Getting there won't be easy. Bush (and Republicans) could use fresh accomplishments. Winning passage of an immigration reform bill, for example, would be a legislative victory of the magnitude Bush hasn't achieved since the Medicare prescription drug benefit was passed in December 2003. A successful fight to cut spending would chip away at Bush's image as a profligate spender. A battle to fill a Supreme Court

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vacancy with a conservative nominee would cause the center-right coalition that prevailed in the 2002 and 2004 elections to coalesce again.

If all goes well—which it often doesn't in politics—even the media might be forced to give Bush a measure of respect. At his press conference in Chicago last week, the press seemed oblivious to his partial recovery. A local reporter asked if a quote by an aide to Republican gubernatorial candidate Judy Baar Topinka had offended the president. The reporter paraphrased the quote this way: "Given your low approval ratings in the polls, they prefer you to come here in the middle of the night." One reason the president had traveled to Illinois was to raise money for Topinka. Bush said he wasn't offended. He should have been. ♦

Kim Jong Il, Rocket Man

Time to defuse him.

BY DAN BLUMENTHAL

DEFYING AMERICAN, Japanese, and even Chinese warnings, North Korea test fired at least seven missiles on July 4 and 5. One of these, the Taepodong 2, is capable of hitting the United States. Though the Taepodong test failed, North Korea's behavior is a clear provocation and threat to American security. The silver lining is that Kim Jong Il's actions provide a refreshing clarity to the diplomatic charade known as the six-party talks.

First, the other five parties now have an opportunity to demonstrate where they actually stand. Rhetorically at least, the United States, Japan, South Korea, and Russia—not to mention the E.U., NATO, and Australia—have all sung from the same sheet of music, roundly condemning the missile launches. Who was missing from the choir? China—the country said to have the most influence over North Korea and often heralded as a responsible diplomatic player. Although the Chinese foreign minister issued a lukewarm call for "all parties to exercise restraint," he also took care to remind the world that "China and North Korea are friendly neighbors."

If China really wanted North Korea to end its missile tests, to say nothing of its nuclear program, wouldn't it be condemning Pyongyang at least in proportion to its pretest warning? The truth is that while China may be annoyed that its "little brother" does not do its bidding all the time, Beijing thinks that any type of punitive response is a far worse option, especially if it paves the road to sanctions, or even an American strike. A Chinese analyst recently told me that China has an active treaty with the DPRK: It would defend the North Koreans if attacked since its credibility with other allies such as Pakistan would be on the line.

What's more, he said that "some in China" believe that keeping the North Korean threat alive helps China by expending U.S. energy and giving China a card to play in case of a Taiwan conflict: It could draw U.S. forces away from the Strait if there were a crisis on the Peninsula. If this thinking is widespread, it certainly explains Chinese reluctance to do much of anything to get North Korea to abandon its nuclear program.

Second, the DPRK has once again clarified its intentions. Contrary to administration statements about the opacity of the Kim regime's intentions, over the past decade of diplomacy Kim Jong Il has left little doubt that obtaining nuclear weapons and the means to deliver them is his number one goal. He has pursued this objective through famine, the highs of international engagement, and the lows of isolation. International attitudes matter little to the Dear Leader's relentless pursuit of these weapons.

Advocates of continued diplomacy say that a grand bargain could be cut whereby Kim Jong Il gets all the benefits of joining the international community in exchange for the abandonment of his weapons program. But Kim is like the prototypical Freudian patient: We can only change him if he wants to change. All evidence points to the opposite: that he is quite content with his situation. After all, bluster, threats, and brinkmanship have

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worked quite well thus far, allowing him to extract the international aid that has kept his regime alive.

Kim is ideologically committed to a policy of "self-reliance," military first-ism, maintenance of the Kim dynasty, and ultimate unification of the Korean peninsula under Pyongyang's rule. A nuclear weapons program is the linchpin that holds those policies together. He calculates, probably correctly, that without the ultimate deterrent, the U.S. would be less cautious about pressing for an end to his brutal rule.

Some argue that the missile test was a reaction to the financial sanctions imposed by the Bush administration on Banco Delta Asia, a Macao bank that abetted North Korea's criminal trade in counterfeit money and goods. Certainly the sanctions hurt, as the regime is highly dependent on the sale of such illicit goods as weapons, drugs, and counterfeit one-hundred dollar bills as a source of hard revenue.

And maybe, as some argue, it was a "temper tantrum"—a reaction to Washington's focus on Iran's nuclear program. This may well be so, but it should not prevent us from taking the North Koreans at their word that they are engaging in "normal" military exercises. To the extent anything about the DPRK is "normal" this is quite right—the only way to improve your missile arsenal is to test it.

With what options does this clarity leave us? The North Korea nuclear problem is the regime itself. Our problem is our limited ability to change the regime. A war is almost unthinkable because of the devastation it could wreak upon South Korea—the North Korean army could deliver 500,000 artillery shells per hour on Seoul if the Dear Leader so chose. The only, albeit less than satisfying, option is a long-term policy of containment and isolation that works over time to bring down the regime.

This policy starts with the precept that North Korea has forfeited its right to be treated as a member of the community of nations—it consistently breaks international laws and conventions by using diplomatic pouches to traffic in illicit goods, it is the only nation in history to have withdrawn from the Nuclear Non-Proliferation Treaty, and it has starved and enslaved its own people. In addition, it is a threat to us and our allies. There is no reason for the civilized world to treat North Korea like a normal country or allow it to explain away its missile tests as a "sovereign right." By ignoring its sovereign duties it has forfeited its sovereign rights.

We need to declare the six-party talks over, announce that we will retaliate should the DPRK use or help others use nuclear weapons, redouble our missile defense efforts in conjunction with Japan and South Korea, and continue deploying more bomber capability in the Pacific. We also need a more robust program of inspecting North Korean vessels for both WMD and illicit materials. And we need a worldwide effort to stop North Korea from using its diplomatic facilities and assets for criminal purposes. Starving the DPRK of its export of counterfeit money and cigarettes, as well as narcotics and weaponry, will hurt the regime badly. The nations of the world simply have to enforce their own, and international, law.

What about China? China is unlikely to go along with this policy, which will certainly complicate our efforts. But should it choose to be the only country in the world propping up a criminal, brutal, and highly threatening regime, we ought to reconsider whether China has any interest in playing the role of "responsible stakeholder" we have assigned it. This has broader implications for how we think about China. Though China's ability to threaten U.S. interests is still limited, it is neither our friend nor our partner. We certainly do not need a China policy that pretends otherwise. ♦

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Not As Bad As You Think

The Court overreached in *Hamdan*, but it won't cripple the war on terror. BY JEREMY RABKIN

IT IS NOT WISE to place yourself between a Stinger missile and its target. So, normally, I wouldn't dare stand in the way when the great Mark Steyn goes on the attack. But, like a lot of conservatives, he was so irritated by the Supreme Court's decision in *Hamdan* v. *Rumsfeld* that he fired a bit wildly in a recent column.

Jeremy Rabkin teaches international law at Cornell University and is author, most recently, of Law without Nations? Why Constitutional Government Requires Sovereign States *(Princeton).*

It is not true that the Court's ruling, invoking a provision of the Geneva Convention on prisoners of war, gives terrorists "all the benefits with none of the obligations" set down in the convention. It's not even true that to reach the result it did, the Court had to "stand the Conventions on their head" and "give words the precise opposite of their plain meaning and intent."

And it's certainly not true that the ruling has thrown a great legal obstacle in the general path of Bush administration policy. But a defensible ruling can still be a mistake, as I think this one was.

The 1949 Geneva Convention offers protections for prisoners of war who satisfy certain conditions. According to Article 4, only those prisoners qualify who, before their capture, were accountable to a formal command structure, wore some sort of identifying uniform or insignia, carried arms openly, and respected the laws of war in their own military operations. For these prisoners, the convention then sets out a very detailed set of rights and protections, taking nearly 150 articles to enumerate them all. One purpose is to restrain captors from trying to squeeze information out of prisoners by granting or withholding such comforts as tobacco rations, mail privileges, and recreation facilities.

At the outset, however, Article 3 stipulates that in "case of armed conflict not of an international character," states that adhere to the convention are still bound to respect

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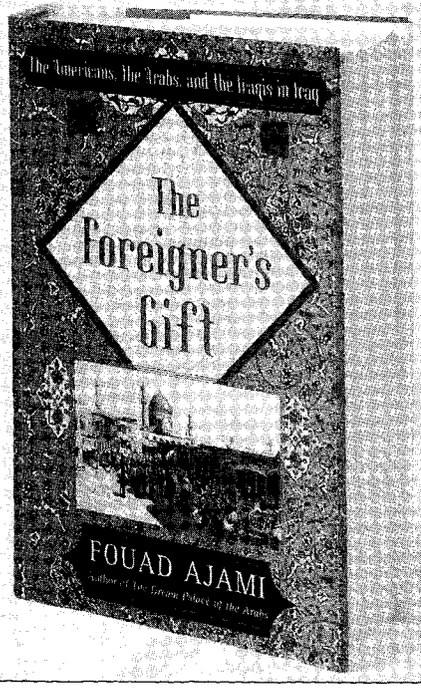

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certain "minimum . . . provisions." These include prohibitions on the "murder" and "mutilation" of prisoners, on "outrages upon [their] personal dignity," and on "the passing of sentences . . . without previous judgment pronounced by a regularly constituted court."

It was not at all a stretch for the Supreme Court to conclude that these protections should apply to al Qaeda suspects at Guantánamo. Since al Qaeda is not a state or nation, the conflict in which they were captured was very reasonably characterized as "not of an international character." Anyway, the United States has never claimed a right to inflict "murder" and "mutilation" on Gitmo detainees—though it does want the chance to grant and withhold certain amenities to pump prisoners for more information than "name, rank and date of birth," which is all that lawful POWs are required to provide.

The catch is in the interpretation. Who gets to decide the precise implications of Article 3? The issue in *Hamdan* was the construction of the vaguely worded prohibition against imposing sentences on prisoners without "affording all the judicial guarantees which are recognized as indispensable by civilized peoples." The Pentagon had proposed somewhat streamlined procedures for the trial of suspects at Guantánamo by special military commissions. Did this approach violate the requirements of Article 3?

Justices Stevens, Souter, Ginsburg and Breyer objected to a number of procedures for the commissions, including provisions allowing commission members to consider evidence not available to the accused. Justice Kennedy, while declining to address this question and a few others, agreed with the Court's four liberals that the design of the commissions departed too much from the structure of those used in trials of American servicemen, so they could not be considered "regularly constituted" in the sense of the Geneva prohibition in Article 3.

The majority did take some pains to limit the reach of its holding. The *Hamdan* ruling only considered procedures for "passing sentences"—not for determining whether a suspect could be detained, an issue not addressed by Article 3. The Court also left open the possibility that detainees could be tried under somewhat distinctive procedures. Article 102 of the Geneva Convention does demand that prisoners be tried by precisely the same procedures as members of the armed forces of the "detaining power." But the Court did not recognize al Qaeda operatives (such as Salim Ahmed Hamdan) as eligible for the full range of Geneva protections.

The United States has never claimed a right to inflict "murder" and "mutilation" on Gitmo detainees—though it does want the chance to pump prisoners for more information than "name, rank and date of birth."

Most cautiously of all, the Court rested its whole ruling on statutory construction of existing federal law. It justified an appeal to Geneva standards on the ground that Congress, in authorizing military commissions consistent with "the laws of war," intended to incorporate Geneva standards into the requirements of the Uniform Code of Military Justice. In a separate opinion, Justice Breyer emphasized that the Court's ruling required nothing more than further clarification from Congress of proper standards for future trials.

No justice claimed that Congress was bound to authorize procedures consistent with the Court's interpretation of Geneva standards. No justice claimed Congress was even bound to accommodate anyone else's understanding of Geneva standards. It has been very firmly established, in precedents stretching back to the mid-nineteenth century, that a treaty has no higher status in American law than an act of legislation. A new statute can therefore override a treaty—at least in setting the law that guides U.S. courts—just as it can override an earlier statute.

Still, in reaching as far as it did, the majority passed up half a dozen quite plausible and reasonable grounds for staying out of this dispute. The three dissenters—Scalia, Thomas, and Alito—provided a sort of relay of refutations, with each writing separately (while also endorsing the dissents of the others) to argue a different set of reasons the Court should have denied jurisdiction or accepted the substantive claims of the Bush administration in this dispute. Chief Justice Roberts did not participate in the decision—but having earlier addressed the case as a judge on the D.C. Circuit, he had already endorsed most the arguments pressed by the dissenters.

No one who reads these opinions with an open mind can fail to see that the dissenters raise a number of very strong legal arguments. Reasonable observers may differ on how well the Court's liberals parried the dissenters' arguments with competing precedents and interpretations. One fact remains, however. The majority could cite no clear precedent for courts' intervening in wartime to overrule military decisions about the handling of prisoners.

When they did consider the merits, the dissenters looked to the actual American experience in war. Among other episodes, Justice Thomas's dissent reviewed the trial of President Lincoln's assassins by a military commission (with rather abbreviated due process), the trial of German saboteurs by a commission in Washington in 1942, and the trial of the Japanese commander Yamashita by a commission in the Philippines in 1945 (both with more abbreviated process).

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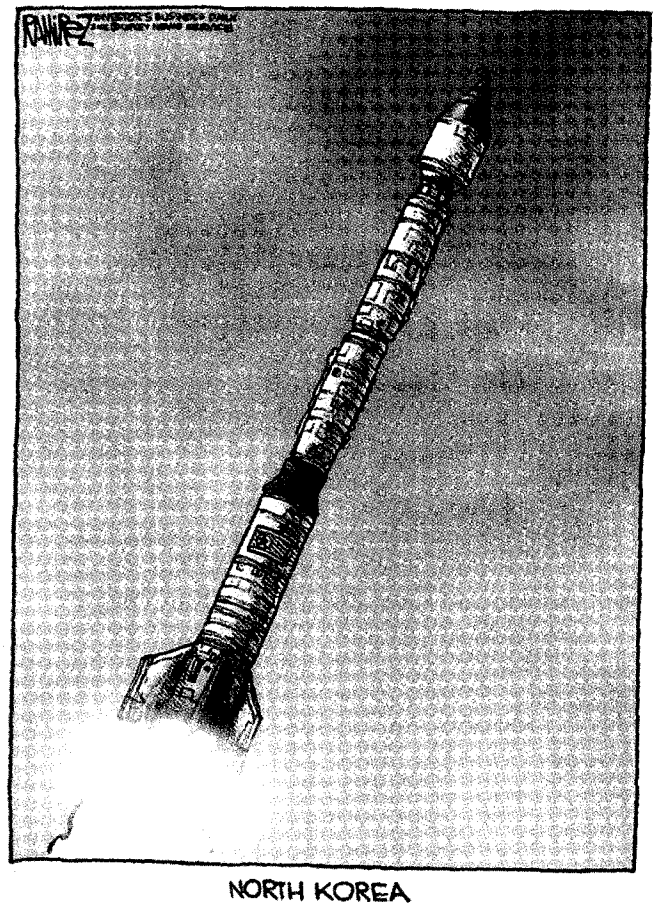
The majority, in parsing the implications of the Geneva safeguards, relied heavily on a commentary published by the International Committee of the Red Cross in the 1950s. The decision provided no information at all on what other nations actually do when dealing with terrorists or guerrillas. The majority was content to suppose that the "law and custom of war," or the standards of "civilized peoples" regarding military justice, can be authoritatively settled by Swiss lawyers with no more real military experience or responsibility than the famous Swiss pikemen who "guard" Vatican City.

The majority may have hoped to signal to Bush administration critics —particularly those in foreign countries—that the United States does respect international law. If one wants to take an optimistic view, one may hope the Court has actually offered some reassurance to these critics, without much inhibiting the substance of American war policy. But courts are not well positioned to conduct American foreign policy, much less balance diplomatic calculations against the stern imperatives of war.

Congress certainly should take up the Court's invitation to consider what procedures are most appropriate for trying terror suspects at Guantánamo. But it should also give thought to sending its own diplomatic signal to the Court. Congress could do a solid service by stipulating that U.S. courts do not have jurisdiction to interpret the Geneva Conventions. That was the Court's view after World War II and the position accepted by the D.C. Circuit panel (including John Roberts) when initially rejecting Hamdan's arguments last year.

Since the late 1980s, when the Senate first began to ratify international human rights conventions, it has always insisted on this reservation: The United States commits to the principles of the treaty, but not to their incorporation into U.S. domestic law. The reservation removes the treaties from domestic litigation. No one saw the need for such a disclaimer when the Senate ratified the Geneva Conventions in the mid-1950s. Now we see the need.

It's not necessary to damn the Court's liberals or rant about disloyalty. The Court's majority has asked Congress to clarify U.S. war policy in this area. The clarification should include the stipulation that war measures involving unlawful combatants shouldn't be determined by ordinary courts. When it comes to terrorists captured in foreign lands, our priority can't be litigation or even lawfare. We are waging war. And war is too important to be left to Supreme Court justices. ♦



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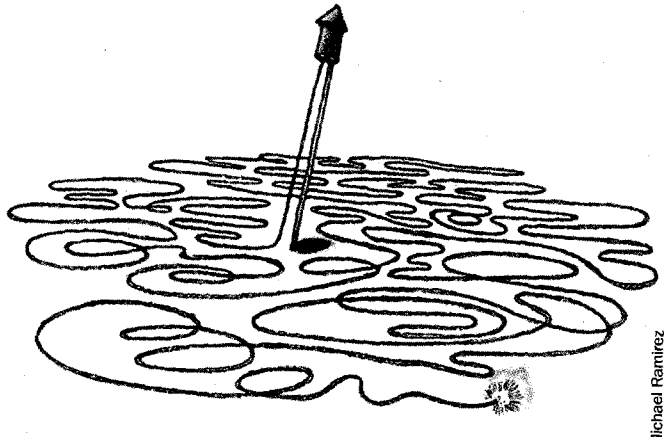

THE U.N. RESPONSE

Michael Ramirez

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The Gates-Buffett Merger

Billions served.

BY IRWIN M. STELZER

LET'S GIVE TWO CHEERS for Bill Gates and Warren Buffett. They have given new meaning to the word philanthropy, and not only by virtue of the magnitude of the funds they are jointly deploying. Not that somewhere between $60 billion and $70 billion is chicken feed. The lifetime donations of philanthropist Andrew Carnegie, who famously said, "The man who dies rich, dies disgraced," came to a comparatively meager $7 billion in today's money. The Gates Foundation—thanks to the infusion of $31 billion or so from Buffett—will give that much away every two years. It is now more than five times the size of the $11 billion Ford Foundation. And the $1.36 billion spent by the Gates Foundation last year—due to double next year—came pretty close to the entire $1.66 billion budgeted by the World Health Organization for this year.

Indeed, if this were an industrial merger of the first and second largest companies, as it is of the first and second largest philanthropies, the antitrust authorities would already be putting together teams of economists and lawyers to investigate the effect of the deal on competition.

Fortunately, the enhanced Bill and Melinda Gates Foundation does have substantial competitors. The approximately $3 billion per year that the foundation will henceforth spend is only one percent of the $260 billion of annual charitable giving in the United States, according to Richard Jolly, chairman of Giving USA.

Then there are the world's governments, which are in the same business as the Gates Foundation. But those agencies give away other people's money and therefore don't effectively scrutinize the use to which those contributions and grants are put, a situation the World Bank's Paul Wolfowitz is now trying to correct. A bit of competition from a private philanthropist who knows how to get value for money might just provide a yardstick of efficiency that will embarrass even the bureaucrats who specialize in no-questions-asked handouts. It would be wonderful if the Gates-Buffett merger triggered a Schumpeterian gale of creative destruction in the global giving business.

Another advantage of the Gates-Buffett arrangement is that it sends a signal to other potential donors that it is no shame to admit that knowing how to make money involves a different skill set, to use management-consultant jargon, from knowing how to give it away. In choosing the Gateses to manage his giving, the self-effacing Buffett deployed the vaunted skill at due diligence that made him such a sought-after adviser and enabled the "Sage of Omaha" to invest so successfully over the years in Coca-Cola, Anheuser-Busch, Wells Fargo, and furniture, carpet, candy, jewelry, restaurant, and natural gas companies. "You need to seek out people with a talent to distribute money in the same way as you do for those to accumulate it," Buffett told an admiring press corps. Giving away money is "a much tougher problem than amassing money," he added, to the surprise of all those Buffett wannabes in the hedge fund business for whom amassing is a top priority. Buffett has given huge impetus to what is being called "venture philanthropy" or "philanthrocapitalism."

His belief in Bill Gates began quite by chance. Gates's mother invited Buffett to a Seattle picnic to meet her son, who had no interest in meeting a man who made his living by investing in, rather than building, companies. But when Gates heard that Katharine Graham, then-publisher of the *Washington Post*, would also be there, he decided to attend. He did meet Buffett. They came to play bridge and vacation together. The Omaha investor persuaded the Seattle geek to read poverty studies put out by the World Bank. And the rest, as they say, is history.

The friendship is resulting in promises to accelerate progress in the fights against malaria, tuberculosis, and AIDS. Indeed, Gates, never one to think small—his software dominates the world market—told the *New York Times* that he might be "overly optimistic," but he believes he might have a real chance to find cures for the 20 leading fatal diseases and ensure that every American has a decent education. His wife thinks in similarly grand terms: Her "fondest dream" is to develop an AIDS vaccine, which she reckons could take 20 years.

So why only two cheers? For one thing, there is something odd about a policy that allows Bill Gates and Warren Buffett to transfer their huge fortunes to a private foundation, free of tax, while a much more modest gift to one's child (in excess of $12,000 annually or $1 million lifetime per individual giver) is subject to a gift tax of up to 46 percent. For another, it does raise a question about the sincerity of the lobbying that both Gates and Buffett did to persuade Congress to reimpose high

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inheritance taxes. After years of preaching that "dynastic wealth" violates the American principle of meritocracy, Messrs Buffett and Gates have arranged their affairs so that they will remain in control of the bulk of their fortunes for so long as they shall live, and their children will have billions of foundation money of their own to manage, with all the salaries, power and prestige that confers. If you have any doubt that running a large foundation confers about as much power as running a large business, consider press reports of the hundreds of powerful politicians who sit patiently in the Gates Foundation waiting room as Bill tries to work them into his schedule.

And remember: Gates will have an important say in how the Microsoft shares he has donated to his foundation are voted, giving him continued effective control of the company he started. For his part, Buffett will retain ownership of some $7 billion of Berkshire Hathaway shares that he has yet to give away, plus the shares he has yet to donate during the long period of their gradual turnover to the Gateses, plus voting rights for any shares he might retain should control of the Gates Foundation's policies and administration pass from Bill or Melinda Gates.

In short, both men will retain control of the companies they have built. And Buffett will have on his board one Bill Gates, while Gates will have one Warren Buffett sitting on the board of his foundation. Since the Sarbanes-Oxley law requires most directors to be independent of management, one can't help wondering how eager a properly appreciative Bill Gates will be to question the management decisions of a man who has enriched his foundation with a contribution of some $31 billion. And it is reasonable to ask whether Buffett will want to question Gates's philanthropic decisions, at the risk of antagonizing a member of his own company's board.

Then there is the question of "giving back," which is what both philanthropists say they are doing. Really? It is the wonderful free-market capitalist system that allowed them to amass their great fortunes. Gates is one of the world's most successful entrepreneurs, and arguably changed the way the world communicates and does business. He succeeded because the American system encourages geeks like him to invent things, protects their intellectual property, and provides the deep and liquid capital markets that make success for newcomers more possible in America than in any other country (think France, or Germany, from which entrepreneurs are fleeing to escape high taxes and strangling regulations). Buffett has been a successful investor in part because our capital markets are transparent, providing him with the information successful investors need.

But very little of the duo's giving will remain in the country that made their success possible. As laudable as giving away such large sums might be, most of the money is destined for places far from our shores, and hardly constitutes "giving back" to the system that made the wealth creation possible. As Britain's *Daily Telegraph* put it, Buffett and Gates have decided "to focus their funds largely on foreigners rather than the folks back home."

Education is an exception. In addition to the Gates Foundation's efforts in the field of health, it is more than dabbling in education policy. Among other things, this creates an odd alliance between Bill Gates and the man who, as head of the Department of Justice's Antitrust Division, tried to break up Microsoft, Joel Klein. Klein is now head of the New York City school board, and the recipient of $100 million in grants from the Gates Foundation. But in an earlier life he led the charge that resulted in Microsoft being convicted of illegal monopolistic practices in America, a conviction that since has led to similar findings and the prospect of huge fines in the European Union and South Korea.

Gates's history of monopolistic practices makes it more than a little ironic that he reciprocated Buffett's generosity by presenting him with his personal copy of Adam Smith's *Wealth of Nations*. The grateful recipient of Buffett's billions, appropriately "awed" and "humbled" by the wealth transfer, ignored Smith's exaltation of the virtues of free and open competitive markets, and instead chose as his text the Great Scot's observation, "However selfish so ever man may be supposed, there are evidently some principles in his nature which interest him in the fortune of others, and render their happiness necessary to him."

The foundation's efforts in education have been aimed at supporting some charter schools and shrinking the size of schools and classes—the latter a long-time goal of the teachers' unions, as it creates more jobs, even though most critics say smaller classes have no effect on educational outcomes. Stanley Katz, a Princeton professor in public and international affairs, told the *Christian Science Monitor*, "On the education side . . . they've spent huge amounts of money, in my judgment not very well." Which may be a good thing if it demonstrates that the sheer size of the foundation allows it to take risks and suffer losses, and if the Gateses' management skills allow the charity to be flexible enough to correct its giving patterns as experience dictates.

In the end, the main reason to withhold that last cheer is the perpetual power that this private foundation will have. Hugh Freund, a leading New York estate tax lawyer and planner, points out that although foundations are required to dispose of 5 percent of their assets every year, they will not fade away, as they generally earn enough to refresh their balance sheets and have a perpetual life. No problem, you might say, since the Gates Foundation's main effort is to improve world health, and who can object to that?

But history suggests that most

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foundations tilt left when their founders pass away and the next generation takes over. A hint that history will be repeated at some point comes from the concerns of the four foundations that Warren Buffett has set up, three for his children: environmental improvement; educational opportunities for low-income children; human rights; and abortion rights and antinuclear proliferation. All laudable, perhaps, but all issues high on the priority list of the liberal establishment.

The possibility that charities on the scale of the Bill and Melinda Gates Foundation might eventually throw their weight behind causes primarily appealing to one or another side in policy disputes that are essentially political in nature is one reason Congress might want to consider the policy issues raised by the Gates-Buffett merger. Is the tax code that encourages donations to private foundations, but taxes many wealth transfers by the not-so-very-rich to children, fair, especially since, as Freund puts it, "Most people can't afford to do what Buffett did"? Should the requirement that 5 percent of a foundation's assets be distributed every year be raised, so that these organizations are no longer self-perpetuating? Should interlocking relations on philanthropic boards count when considering whether directors of publicly held companies are truly independent of managements?

There are others. But you get the idea. Warren Buffett and Bill Gates are in the grand tradition of American private philanthropy. They will undoubtedly do much good and improve the lives of millions of people, especially if they give in a manner that encourages self-sufficiency rather than permanent dependence, and leverage their power to improve the efficiency of government-funded giving. But if we are to heed Buffett's warnings about the evils of dynasties, we might just want to take another look at the incentives we have built into our tax laws. ♦

Barring Faith

A federal judge strikes down prison ministries.

BY ROBERT P. GEORGE & GERARD V. BRADLEY

TO FULLY APPRECIATE the wrongheadedness of a federal district court's recent decision expelling a faith-based program from an Iowa prison, it is necessary first to take a backward glance at the history of religious involvement in corrections in the United States.

As long ago as 1790, some Philadelphia notables sought an alternative to capital punishment, then the statutory penalty for many felonies. Most of these reformers were Quakers, and they found their alternative in long-term imprisonment. The Quakers built the country's first prison—right behind Independence Hall. Then they faced another challenge: How would the prisoners spend their years of confinement? Most important, what would be the overriding aim of "doing time"?

The Philadelphians decided they would try to transform the criminal's character. To do so, they imposed a regimen of solitude, hard work, and religious renewal. They sought to convert the offender—not to a particular church, but to a God-fearing life of decent behavior. While it was easy to see that society would gain, the Quakers were motivated by what they considered their Christian duty to attend to their erring brothers.

The Quakers' approach caught on, and it gave the institution they created its generic name: penitentiary, as in "penitent." More recently, the "pen" has come to be called a "correctional institution." Same basic idea.

Similarly, for a long time in America, state authorities sent misbehaving kids to "asylums" or "reform schools" run by church groups. Perhaps the most famous product of these institutions was a boy named George, who at age 7 was deposited by indifferent parents at Saint Mary's Industrial School for Boys in Baltimore in 1902. (About half the residents of Saint Mary's were sent there by courts.) A Roman Catholic order, the Xaverian Brothers, ran the place. When he was just 19, George Herman "Babe" Ruth signed to play with the Boston Red Sox.

Religious groups were squeezed out of the "corrections" picture a long time ago. Sunday services in prisons never stopped, of course, and chaplains were usually on hand. But the religious purpose of punishment—to reform character, to prompt an inner change, to convert the miscreant—had mostly withered away by the turn of the twentieth century. Prisons became unforgiving places where hard men did hard time.

In the mid-1960s another sea change swept through the criminal justice system. Once again the idea was to make men better, this time via "rehabilitation." This "triumph of the therapeutic" largely supposed that criminal behavior was not chosen, but rather was caused by personal maladjustment and oppressive social conditions. Prisoners could be improved by counseling, vocational training, and a better environment. It didn't work very well, and that particular era of good feeling soon passed.

The tide had turned again by 1985. The primary aim of punishment became simply to keep criminals off the streets. Thus, we ware-

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house dangerous people. First-time offenders *may* receive leniency. But two strikes and you are out of circulation for a long time. Three whiffs and you are probably doing life. This plan is working, in that crime rates are way down.

But the prisons are full. The Quakers' question about the point of doing time is now largely a redundancy: The point of doing time is just that, to be isolated from the law-abiding citizens on whom criminals prey. Far from aiming to transform anyone's character, this system seems to suppose that few prisoners will be reformed.

Nevertheless, courts and corrections authorities understand that it would be better for all concerned if prisoners actually did mend their ways. Everyone wins when a prisoner discovers that he would rather, after all, be good. He is happy. The people who might otherwise be his victims are happy. And the government is spared the burden of further warehousing him.

To forestall recidivism, then, is still a goal of prisons—a secular purpose if ever there was one. But how to do it? Reforming character is no longer part of the "corrections" skill set. Prison authorities are most keenly interested in security: No one escapes, no one injures a guard, there are no gang wars. Meanwhile, the dramatic secularization of our constitutional law makes it impossible for the contemporary state to do what the Quakers did—deliberately foster religious renewal. Even on the subjects of morals and character, those who run prisons have to tread carefully lest they be seen as trying to impose religious morality.

So anyone who would combat recidivism faces a puzzle: How to instill in a prisoner the personal qualities that constitute decent character and will be indispensable to a law-abiding life *outside*—self-respect, responsibility, integrity, respect for others, pride in accomplishment, gratitude—without pushing religion? If prisons are going to attempt moral reform, they will have to do it indirectly, in creative partnership with private groups. That is because the groups that are in the character-forming and transforming business tend to be religious. Reforming prisoners, then, offers a terrific opportunity for "faith-based" social services, provided through cooperation between institutions of civil society and government, for the common good.

In no other arena is this cooperation more fitting. When it comes to "rehab" programs for inmates, for the drug-addled, for the alcoholic—when it comes to any service that engages the will, individual choice, the character of the recipient—government is necessarily ham-handed. Changing minds and hearts is not the strong suit of the bureaucrat. Instead, it is private charities, especially religious ones, that have the skills, the motivation, the experience. And they perform—none more successfully than Prison Fellowship.

Charles Colson founded Prison Fellowship shortly after his release from prison in 1976 for Watergate misdeeds. What began as a simple prison ministry has grown into a model for the faith-based delivery of needed "secular" services.

But on June 2, Iowa federal district court judge Robert W. Pratt threw a huge roadblock in its way by declaring the work of Prison Fellowship in an Iowa prison to be an unconstitutional violation of the First Amendment's prohibition of "laws respecting an establishment of religion." What's worse, the judge's reasoning threatens the very concept of faith-based social services in partnership with government—an idea supported by politicians from Bill Clinton to Bill Frist and endorsed in the 2000 presidential campaign by both Al Gore and George W. Bush.

What happened in Iowa? On March 24, 1999, Prison Fellowship and its affiliated ministry InnerChange Freedom Initiative (IFI) contracted with the Iowa Department of Corrections to provide programs at the Newton Correctional Facility. Prisoners would not be required to participate. In the words of the Iowa judge, IFI is "a faith-based program designed to transform prisoners into good citizens, to reduce the recidivism rate of current inmates, and to prepare inmates for their return to society by providing educational, ethical, and religious instruction." Those 18th-century Quakers would have understood.

According to Warden Terry Mapes at Newton, anyone could see the results—the *transformation* of the prisoners enrolled in IFI. "It's the pro-social behavior. It is the thing that we hope [in] corrections will make a difference." For a relatively modest sum of money, the warden said, he got "a substance abuse program, . . . a victim impact program, . . . a computer education program," and a lot more. It sounds like a partnership that was good for the prison, the inmates, and the community at large.

What's more, the court found "no evidence" that promoting religion was the program's main concern. On the contrary, it concluded that state officials' "primary purpose" in awarding the contract was "to reduce recidivism among Iowa inmates."

So, why did Judge Pratt say the warden's contract with IFI violated the Constitution? Three related arguments can be discovered in the court's sprawling and undisciplined opinion.

The first reason is the judge's startling conclusion that Prison Fellowship and IFI are, in fact, "state actors" and thus are no more permitted to espouse Christianity (or any other faith) than is the state of Iowa itself. The court declared that reducing recidivism was a "state function" and, apparently, that anyone who contributed to its discharge was a "state actor." From there the court proceeded readily to its conclusion, for it is indeed the law under the First Amendment that states may not prefer one religion to another.

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IFI, a Christian ministry, clearly does.

By this reasoning, of course, not only comprehensive anti-recidivist programs *inside* prisons, but also all sorts of faith-based programs outside (pre- and post-conviction) plausibly viewed as "anti-recidivist" would be illegal.

The second reason the court gave was alleged "coercion." Both Prison Fellowship and IFI are nondenominational Bible-based ministries, and advertised themselves as such to Iowa prisoners. No one was required to participate in their activities. Even after inmates had chosen to participate, they remained free to leave the program and return to the usual prison routine. Inmates who chose to participate were not required to convert to Christianity. They were told from the outset what the expectations and content of the program were. And every inmate who testified at the Iowa trial said he was promised nothing by the prison authorities for enrolling in IFI. Each testified that it was his personal choice to participate—uncoerced and unbribed.

The court brushed aside these inconvenient facts with the observation that prisons are "inherently coercive environments." Somehow this negated the freedom of choice that participants in IFI said they had experienced. What's more, any chance that the ill effects of the court's reasoning can be confined to faith-based programs inside the coercive environment of prisons is diminished by the court's analogy to a separate case, one involving a homeless shelter in Idaho run by a religious group. Someone enrolled in a program at the shelter challenged the expectation that he would attend religious meetings. This plaintiff, although participating in the program voluntarily, resented having to give a reason for not attending a particular religious meeting.

The Idaho court ruled that expecting an explanation—which could be as succinct as "I am a Muslim"—violated the Constitution. Because the Christians running the shelter had a service contract with the government, according to the Idaho court, they were a "surrogate" for the state. Just as the state of Idaho or the city of Boise may not ask why you don't want to pray, so too the Christians offering you shelter. They have to behave, in other words, as if they *are* the state of Idaho or the city of Boise.

And this brings us to the third and most important reason the court found for its ruling, the one that undermines the very concept of faith-based social services provided at public expense. The Iowa court said that there is "no set of circumstances under which state funds could support the transformational values-based treatment methods employed in the InnerChange Program." The reason was that the "secular" and the "sectarian" aspects of its programming were inseparable. That made IFI "pervasively sectarian." Judge Pratt cited Supreme Court cases saying that "pervasively sectarian" institutions may not receive direct government grants. (These dubious precedents, with their complicated tests and definitions, are themselves under continuing attack, both on the High Court and among commentators. But that is a story for another day.)

Colson and his group have done this country and many thousands of imprisoned souls a great but largely unheralded service these 30 years. They do not do it for praise. But it still smarts when a federal judge kicks them in the hindquarters for their effort.

What the Iowa court did, then, was point a dagger at the heart of the faith-based provision of social services. Of course IFI is "pervasively sectarian," if that means that religion is an ineradicable element of its programming and is believed to be essential to the program's success. According to Judge Pratt's logic, if religion is an integral component of a provider's programs, then that provider may under no circumstances receive government grants.

Prison Fellowship and IFI have announced their intention to appeal this appalling decision. Anyone who supports the faith-based charitable initiative now seeking firm footing in our legal culture should support that appeal. But those whose specific concern is to help people behind bars should be in the vanguard of seeking the reversal of Judge Pratt's ruling.

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And this is precisely what Judge Pratt did. He charged the state of Iowa and IFI with the "intentional choice" to "inculcate prisoners as a treatment for recidivist behavior." And for that offense, he said, not only must IFI cease to receive public payment, but it must repay all the money expended at the Newton facility—despite the fact that Prison Fellowship won its contract in a fair competitive bidding process and fully delivered the services it had agreed to provide. In effect, then, IFI and Prison Fellowship are being fined $1.7 million for the sin of violating a Constitution that exists only in the mind of Judge Pratt.

The Quakers of Philadelphia are turning over in their graves. ♦

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All the News That's Fit to Prosecute

Should the Justice Department go after journalists? BY GABRIEL SCHOENFELD

"DISGRACEFUL" is what President Bush called the *New York Times* for compromising the sources and methods by which the United States has been tracking al Qaeda finances. The House of Representatives followed suit, condemning disclosures like those made by our leading newspaper for impairing "the international fight against terrorism" and exposing "Americans to the threat of further terror attacks." With two branches of government lambasting the *Times*, there can be little doubt that we are witnessing a clash between the authorities and the media on a scale not seen since the Pentagon Papers case.

Bill Keller, executive editor of the *Times*, has cast his newspaper's action as a means of protecting the public from *potential* depredations of the Bush White House in the realm of personal privacy. "We remain convinced," says Keller, "that the administration's extraordinary access to this vast repository of international financial data, however carefully targeted use of it may be, is a matter of public interest." But the congressional rebuke of the paper makes it clear that the American people, speaking through their representatives, are more distressed by the help given to al Qaeda by the *Times* than by some purely hypothetical danger to civil liberties.

A remaining question is whether the third branch of government, the courts, will also weigh in and sustain legal action against the *New York Times*. But before we can glean an answer to that, charges would obviously need to be brought. Attorney General Alberto Gonzales has said that his subordinates are looking at the conduct of the newspaper and whether any statutes have been violated.

What are Justice Department attorneys likely to find?

There can be little doubt that if the information published by the *New York Times* on June 23 had been passed to an al Qaeda operative on a microdot, an espionage prosecution would have been immediately launched. Can it really be that publishing the same facts on the front page of a newspaper, and thereby purveying them to all members of al Qaeda at once, is perfectly legal?

Bizarre though it may seem, the answer is unclear. In the history of our country, there has never a been a successful prosecution of a journalist for publishing secrets. But we are now engaged in an intelligence war in which secrecy regarding counterterrorism methods is crucial to avoiding a repetition of the catastrophe of September 11. The behavior of the *New York Times* has made the question inescapable: Can the editors of a great newspaper arrogate to themselves the right to be the final arbiter of what is secret and what is not?

Existing law would seem to make it nearly impossible to prosecute a newspaper for publishing classified information. The problem is not the First Amendment. The Supreme Court has decided in numerous cases that the guarantee of a free press is compatible with a variety of restrictions on what can and cannot be printed, as in the laws of libel or obscenity or truth in advertising. As Joseph Story put it in his classic commentary on the Constitution, the idea that the First Amendment "was intended to secure every citizen an absolute right to . . . print whatever he might please, without any responsibility, public or private . . . is a supposition too wild to be indulged by any rational man."

In the area of national security, this view has been upheld by the Supreme Court. Even as they ruled in the Pentagon Papers case that prior restraint of the press was almost always impermissible, five justices held open the possibility of after-the-fact prosecution of the *Times* for publishing secrets. "It is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy," was how Justice Potter Stewart put the rationale for restricting speech in this realm. There is, then, no constitutional barrier to prosecuting the *Times*. The question is, rather, whether there are laws on the books that would enable prosecution.

The problem here is that, although we have laws protecting special categories of ultra-sensitive secrets, there are no laws that would seem to apply to the *Times* in this most recent instance. For blowing the NSA terrorist surveillance program back in December, the *Times* exposed itself to potential prosecution under a narrowly drawn law, Section 798 of Title 18, the so-called Comint statute, that protects communications intelligence. But the *Times*'s more recent story on the tracking of al Qaeda financing does not readily fall under any statutory proscription. Nor would, to take another injurious leak, the *Washington Post* story of last November by Dana Priest reporting the existence of clandestine CIA prisons for al Qaeda operatives in Eastern Europe.

A prosecutor itching to rein in the press might consider invoking the nearly century-old Espionage Act, but would probably reject it as a near

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miss. Congress's intent in passing this law, it is fairly clear, was to stop classic acts of espionage, not leaks to the press. But the law's drafters in 1917 were so clumsy that the plain language of the statute would make prosecution of a journalist hypothetically possible.

Successful prosecution in these recent instances is another matter. Among other limitations, the Espionage Act requires that an offender acted "willfully" to injure the United States or to advantage a foreign country. In the case of a journalist publishing secrets out of a belief that he was promoting the "public interest"—the *Times*'s stated reason for acting as it did—it would be an uphill struggle, on the slopes of the Matterhorn, for a prosecutor to demonstrate the requisite criminal intent.

If so, and given the steady accretion of dangerous leaks, should Congress now act to tighten the laws? This is a tough call.

To begin with, not all leaks are so damaging as these most recent ones have been, and some actually do quite a bit of good. By publishing leaks, the media can play an invaluable role in bringing vital information and instances of government misconduct before the public. Even if critics are not ready to stand up and applaud the *New York Times* for publishing the Pentagon Papers, they must nevertheless concede that, despite the dire warnings by the Nixon administration, no direct harm to our national security ensued from any revelations contained in the 47 volumes of classified documents that Daniel Ellsberg purloined and passed to the paper.

At a minimum, a revised law would have to enable newspapers to contend in court that the information they disclosed was improperly designated as secret and that its disclosure did no harm. But the judicial branch, lacking expertise in foreign policy, is ill-equipped to make considered decisions about what constitutes injury to national security. Furthermore, in the course of proving improper classification in a courtroom, a torrent of secret information might have to be revealed. The phenomenon of "graymail," in which successful prosecution hinges on the release of yet more closely guarded secrets, would become an epidemic.

It should also be borne in mind that preserving things as they are is not without benefits. Even though the 1917 Espionage Act is vague and even unintelligible at junctures, it is by no means impossible to deploy it against the press. During World War II, the law came close to being used by the Roosevelt administration to prosecute the *Chicago Tribune* for revealing, directly after the Battle of Midway, the devastatingly vital secret that the United States had succeeded in breaking Japanese naval codes. The case against the *Tribune* was very strong. A grand jury was impaneled, but the process was called off for fear of drawing notice to a story that evidently had escaped Japanese attention.

Although there were plenty of egregious leaks throughout the Cold War, there were also limits beyond which the press would not generally step.

The case of the *New York Times* is not entirely dissimilar. Like the isolationist *Chicago Tribune*, which in opposing the Roosevelt administration's foreign policy published damaging leaks at every turn, the *New York Times* has also been determinedly engaged in what amounts to a pattern of illicit behavior. And given the fact that in both its NSA and the terrorist-financing stories the newspaper was warned in advance by ranking executive branch officials, including (in the NSA case) the president, that publication would assist al Qaeda and cause injury to national security, proving that the newspaper acted "willfully" to harm the United States might not be quite as difficult as has been generally assumed.

What is more, the ambiguous nature of the Espionage Act has over the years served us reasonably well. Although there were plenty of egregious leaks throughout the Cold War, there were also limits beyond which the press would not generally step. A kind of gentlemen's agreement was in place that allowed the imperatives of national security to coexist, however uneasily, with the ambitions of a muckraking media. The 1971 Pentagon Papers case is the most notorious of several exceptions, but in that episode, the secrets in question were of a historical nature; not one of the documents at issue was generated after 1968, and the courts could not discern a legal basis for the prior restraint on the *New York Times* that the Nixon administration so imprudently requested.

Given all this, the remedy for our current dilemmas probably does not lie in drafting new legislation. It would be far better to see that existing law is stringently enforced. Here, a prosecution of the *Times* under Section 798, the Comint statute, for its NSA terrorist surveillance program stories would seem to be in order. The facts fit the law, and legal action would have a welcome chilling effect on the *Times* and anyone else in the media tempted to disclose further secrets concerning active, ongoing counterterrorism programs in the highly sensitive realm of communications intelligence.

Even more important, the leakers inside government of the various classified programs should be investigated and prosecuted. Those who violate their oaths to protect secrets are taking the law into their own hands and putting the rest of us at risk. Far from being admirable "whistle-blowers," the leakers are, for the most part, rather cowardly. Their insistence on the cloak of anonymity means that they are all too willing to jeopardize the security of their country but unwilling to jeopardize the

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progress of their careers. As for journalists who rely on leakers for stories, they are at the very least witnesses to a crime.

The major media outlets have long maintained that reporters should enjoy a special exemption from being called as witnesses before a grand jury, on the grounds that if their promises of anonymity were rendered worthless by testimony given under subpoena, the free flow of information would be impaired. But the Supreme Court has not recognized a journalist's privilege of that sort, nor should it now. In its 1972 *Branzburg* holding, the Court declared, "We cannot seriously entertain the notion that the First Amendment protects a newsman's agreement to conceal the criminal conduct of his source, or evidence thereof, on the theory that it is better to write about crime than to do something about it."

The leakers in the cases now under dispute are engaged in criminal conduct of a unique sort. It consists of disclosing to journalists matters that these government officials have solemnly promised, of their own free will, not to disclose to anyone. Prosecution of the leakers would obviously address the problem at its root. But uncovering them, when the only witnesses remain silent, has proven extraordinarily difficult. If identification of the leakers entails summoning reporters before a grand jury and compelling them to reveal their sources, we might see a pronounced shift in the journalistic calculus: The prospect of a contempt citation might make reporters think twice, if not about the damage they were doing to national security, then about the prospect of going to prison for a spell of 18 months.

In the end, just as editors must use discretion about which leaks to publish, prosecutors must use discretion about which ones to prosecute. Stanching the most pernicious of these leaks, and thereby vindicating the rule of law, is the right course in both principle and practice in these perilous times. ♦

Cop Out

Why Afghanistan has no police.

BY VANCE SERCHUK

WHEN RIOTING suddenly broke out in Kabul in May, sparked by a fatal traffic accident involving the U.S. military, most in the city were taken by surprise. Less shocking, alas, was the response of the Afghan National Police, or ANP, to the unrest. Rather than dispersing the mobs and restoring order, Kabul's cops were reported fleeing their posts and, in some cases, joining the looters. "The reaction of our police was really shameful," acknowledged Jawed Ludin, chief of staff to President Hamid Karzai.

Unfortunately, the sorry performance of the ANP was not an isolated event, but a reflection of a much bigger problem. Nearly five years since the ouster of the Taliban and more than three since the fall of Saddam, the Bush administration has repeatedly stumbled in its efforts to create effective foreign police forces. In marked contrast to the army-building efforts in Iraq and Afghanistan, which have begun to yield encouraging results, the indigenous police in both countries appear stuck in a transition to nowhere, slaughtered by insurgents and infiltrated by militias and warlords.

Admittedly, there are good reasons why police are harder to recruit and train than an army. Militaries are structured hierarchically and tend to operate in large formations, allowing their development to be managed top-down rather than bottom-up, and with less manpower. Even more important, an army by its very nature operates at a distance from society, and can consequently be better insulated from its problems—whether ethnic rivalries, patronage networks, or corruption. Police are harder to wall off from these forces, operating as they do in close proximity to the population.

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But that is also why police are so important—especially in counterinsurgency, where the need to gather intelligence and win public trust demands a security force that can stay close to the people. Indeed, as a superb U.S. War College study by James Corum recently argued, "in counterinsurgency, organizing and training the indigenous police often attains a higher priority than training the indigenous army."

Police are likewise crucial for democracy. Far more than soldiers or parliamentarians, they are the representatives of state power with whom ordinary citizens have regular contact. Rule of law, civil liberties, human rights—all presuppose the existence of a certain kind of police.

Why, then, has police assistance in Iraq and Afghanistan gone so poorly? As always when bureaucracies fail, there's an enormous temptation to blame insufficient resources and inadequate planning. And certainly, given the Bush administration's often lackadaisical attitude toward postwar reconstruction, less deserving scapegoats can be found. Yet a closer look at efforts in Afghanistan reveals another, more troubling dynamic at play—one that suggests that, absent sweeping reforms, police-building will continue to be a weak spot in the global war on terror long after George Bush leaves the White House.

The story of the Afghan National Police begins in late 2001, when Hamid Karzai's interim administration came into existence, inheriting tens of thousands of poorly trained,

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poorly disciplined, and poorly equipped constabularies. Although in theory answerable to the interior ministry in Kabul, these forces were "national" in name only, a balkanized rabble whose loyalties tended toward local powerbrokers.

Faced with this mess, the Bush administration first tried to hand it off to someone else. In early 2002, responsibility for the ANP was given to Germany, under a plan for Afghan reconstruction in which different countries took charge of different problems. It was thought that assigning ownership of a particular issue to a particular government would bolster accountability for solving it. In practice, however, this stab at hard-headed multilateralism proved a disappointment, as nations interpreted their mandates in wildly divergent ways.

While the United States, responsible for the Afghan National Army, understood its task to mean *building* the new military, the Germans insisted they were only *coordinating* police reform. As a result, although Berlin set up a police academy in Kabul, it made no systematic effort to develop the professionalized, countrywide force so desperately needed—a gap the Afghans soon turned to Washington to fill.

But building foreign police, it turns out, is something that the American government is expressly designed not to be able to do—the legacy of a 1974 congressional ban that abolished USAID's Office of Public Safety, previously charged with these missions. Although exceptions to the act have since crept onto the statute books, their cumulative effect has been to make police assistance into a second-tier, ad hoc responsibility of several different agencies and actors scattered throughout the executive branch.

Worse yet, the infrastructure that does exist for police assistance consists of more bureaucracy than capacity. Because America doesn't have a national police force of its own from which to draw for deployments abroad, Washington has come to depend on contractors like DynCorp, which in turn hire retired state and local cops and dispatch them to post-conflict zones.

In Afghanistan, police reform fell to the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL)—despite the fact that the bureau's core mission is counter-narcotics, and that it had almost no personnel for the job of building foreign police forces.

INL's plan amounted to little more than sending Afghan police, as quickly as possible, through a handful of regional training centers run by DynCorp. Although this approach allowed Washington to congratulate itself for having "reformed" a large number of ANP in short order, it scarcely affected their behavior or capabilities at the operational level, where it actually mattered.

"The police would get trained, but then they would go back into the system with nothing to support them, and they'd tend to fall back into their old bad habits," recalls one Afghan policy insider—a process another official compares to making batch after batch of ice cubes, only to keep dumping them into a vat of boiling water.

The shortcomings of INL's plan were especially glaring to U.S. soldiers dispersed throughout the country, who had to live day to day with a weak, corrupt ANP. Early last year, when I visited a Provincial Reconstruction Team in Ghazni, its commander confessed he was spending half of his time on the police, even though he had no mandate to do so. The local ANP were simply too corrupt and inept to safely ignore, he explained, and no one else was volunteering to fix them.

A similar sense of frustration gnawed at the U.S. military leadership in Kabul, who contrasted the lackluster performance of the ANP with that of the increasingly capable Afghan army. The latter, they noted, was being overseen by a large, U.S.-led office of military cooperation, along with hundreds of American soldiers embedded inside the force. These tactical trainers represented an especially important innovation: Living alongside Afghan troops and accompanying them on operations, they provided constant reinforcement and mentoring, as well as serving as liaisons with coalition forces and a check against abuses.

Given the success of this model, the military began arguing in mid-2004 for a new approach to the Afghan police, one that would allow the U.S. military to oversee their training, as it does that of Afghan soldiers. Not only would this allow the Pentagon's vast resources to be funneled toward supporting the ANP, providing the personnel that the State Department lacked, it would also facilitate an integrated civil-military strategy for Afghanistan's security forces.

Although the proposal won approval from Zalmay Khalilzad, then-U.S. ambassador to Afghanistan, it was seen at the State Department as nothing less than a military coup, sparking massive resistance. The stage was thus set for what one U.S. official would describe as "the most frustrating, bureaucratic, counterproductive interagency battle I've ever known."

The argument, which persists to this day, boils down to a nasty collision of ideologies and institutional cultures. INL, in brief, insists that police assistance must remain civilian-led and that the Pentagon's involvement threatens to "militarize" the program; rather than building an Afghan police force focused on rule of law and human rights, it warns, the U.S. military will turn Afghan cops into auxiliaries for counterinsurgency. As one Foggy Bottom employee griped to me last summer, "The Defense Department fundamentally doesn't understand rule of law."

The military—along with much of the Afghan national security leadership—responds by pointing out that, like it or not, Afghanistan is a country at war. In the south and the east, in particular, Taliban and other

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Getty Images / John Moore

A police recruit in Kandahar, June 6, 2006

insurgents have been murdering police as representatives of the national government. Regardless of whether officials in Kabul or Washington wish to think of the ANP as combatants, the enemy is treating them as such.

Publicly, both sides claim that they have now reached an amicable compromise: a composite training command, responsible for both the army and police, run by a two-star U.S. general but with an INL representative who retains oversight of the ANP.

The reality on the ground is far darker, however: a shotgun wedding between the military and INL, characterized by pervasive distrust and recrimination at the staff level, and recurring skirmishes over issues like which contractors to hire, what tactics the Afghan police can be taught, and whether key individuals should work out of the U.S. embassy or the military compound. "INL is constantly trying to split stupid hairs," complains one officer. "Teaching the police how to react to an ambush: Is that offensive or defensive? They say it's offensive and shouldn't be taught."

Unsurprisingly, the biggest losers in this unhappy marriage are the Afghan police. Although some reforms have lurched forward over the past two years, such as a series of personnel changes in the ANP's upper ranks, the most important question—how to get large numbers of U.S. personnel embedded with police at the operational level—remains unanswered. In part, that's because INL has held the line against using soldiers to train police. It's also because any effort dominated by interagency *sturm und drang* is likely to remain more focused in Kabul and Washington than in the field.

Whatever the excuse, the result is that the Afghan police—despite fighting bravely in numerous engagements—all too often have found themselves isolated, outmanned, and outgunned against a revived insurgency. The failure of the international community to deliver effective police also prompted President Karzai to suggest the formal creation of village militias—a controversial proposal that speaks volumes about the disillusionment and disappointment of our Afghan allies, whose public credibility is being chipped away by their inability to secure their country.

The problem here isn't that the American officials involved are ill-intentioned or egomaniacal. On the contrary, one of the most striking things about the civil-military tension over the ANP is its persistence despite successive staff turnover.

Rather, the difficulty lies in the fundamental misalignment of capacity and responsibility for police assistance inside the U.S. government, and the extent to which the institutions of American foreign policy simply aren't organized for this purpose. Instead of confronting the need for painful bureaucratic reforms in Washington, however, U.S. officials have shifted the burden almost entirely to Kabul: Over there—and only there—are people expected to disregard their institutional identities, disentangle their respective mandates, and then jerry-rig some sort of mechanism to accomplish the mission. It's a rare constellation of personalities who can make this work; most of the time, it's a recipe for gridlock.

This arrangement still might make sense if we were convinced police assistance in Afghanistan were an anomaly, a onetime requirement that won't recur. But that's hard to swallow, given the string of interventions over the past decade—Iraq, Kosovo, East Timor, Bosnia, Haiti—all of which have required some sort of ambitious police-building. And given the nature of the war on terror, especially as the Bush administration has defined it, with a dual emphasis on security and liberty, there's every reason to believe foreign assistance to indigenous police is going to become more, not less, important in the years ahead.

On the positive side, the Bush administration is spending more money to help the Afghan police than ever before, but new squad cars and refurbished police stations aren't going to fix the institutional disconnect in Washington or Kabul.

Here, then, is the paradox: Police assistance will continue to be a critical American mission for the foreseeable future, while the U.S. government will continue to be organized in such a way as to be bad at it.

Perhaps those Afghans have good reason to riot. ♦

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The Inconvenient Truth About Truman

His heirs are Republicans now

By Noemie Emery

At the time he left office in January 1953, so toxic that most of his party had shunned him, no one could imagine that Harry S. Truman, common-man heir to a great wartime president, would one day be claimed by both major parties, each of them longing to be just like him. For years, Republicans dreamed of the next Ronald Reagan and Democrats of the next John F. Kennedy. But now their idol is the man who can't match these figures for hair, teeth, and swagger, but who wrote the plan that vanquished the Soviet Union. George W. Bush thinks he is the new Harry, as do a cluster of Bush-friendly pundits. This brings on dementia in liberal hawks, who loudly insist *they* are Harry, and react to this outbreak of ancestor-poaching with all the ire of folks who come home to the family mansion to find strangers ensconced at the table, making free with their china and silver.

Despising George Bush, and enraged by the left, which is trying to purge them, the liberal hawks are making their stand with and through Harry, to prove they are manly without being macho, and nuanced and caring without being wimps. Harry, they claim, was strong, but so gentle; a leader, but always deferring to others; moral and mighty yet multilateral, just as they are in their fantasies. Peter Beinart claims in his book *The Good Fight* that only liberal hawks such as Harry can bring national greatness, a view warmly endorsed by Joe Klein in a *New York Times* review that flogs it with vigor. *With All Our Might* (the words *fight* and *might* figure large in these titles), a volume edited by Will Marshall of the Progressive Policy Institute, policy arm of the beleaguered New Democrats, pits the Third Way of Harry against Bush the Cowboy on one side and the far left on the other. Harry, to them, is like Goldilocks's porridge—neither too hard nor too soft; neither too hot nor too cold. The problem is that the Harry they cite is a fantasy, airbrushed and softened beyond recognition, and the narrative that they tell is studded with errors, filled with omissions, and marred by peculiar distortions of facts. Let us count the myths they are making.

Myth number one might be called the Liberal Fallacy—the belief that Harry Truman, and Franklin Roosevelt before him, were not just liberals who made good foreign policy, but that they made good foreign policy *because* they were liberals, and that thus *only* liberals can make good foreign policy judgments. Roosevelt and Truman most surely were liberals, as were most of those who served in their cabinets. And many conservatives opposed Truman's world order, most prominently Senator Robert A. Taft. But these conservatives were not the sole voice of their party, and there were scores of others who, if they agreed more with Taft than with Truman on domestic issues, still lined up with Harry on foreign policy and helped push his rock up the hill.

History records many, among them Arthur Vandenberg of Michigan, who in 1943 committed a Republican caucus to Roosevelt's plan for the United Nations; in 1944 put a plank to this end in the Republican platform; in 1945 attended the conference in San Francisco at which the U.N. was founded; in 1947 was the first to pledge his support to the Truman Doctrine, suggested to Truman the bipartisan commission that helped the Marshall Plan gain its wide public acceptance, and in 1948, when the North Atlantic Treaty was believed to be in some trouble, lent his name to the bill that helped it go through. ("Without Vandenberg in the Senate, the history of the postwar period might have been very different," wrote Acheson. "Vandenberg stands for the emer-

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gence of the United States into world power and leadership, as Clay typified the growth of the country, [and] Webster and Calhoun the great debate of the antebellum days.")

"The right predictably opposed prodigious overseas development projects because they cost so much," Joe Klein informs us, and "opposed the Marshall Plan because it gave the money away without strings." But the enormous bills for the Truman Doctrine, the Marshall Plan, and the Point Four program that followed passed by wide margins in the Republican Congress, and were endorsed by Harold Stassen and Thomas E. Dewey, leading candidates for the GOP nomination in 1948. And then there was Ike, Harry's partner in virtue, co-architect of the Cold War world order, who lent Truman his vast stores of political capital, backed the U.N., the Truman Doctrine, and the Marshall Plan from the very beginning, and legitimized NATO by agreeing to lead its forces in Europe, much as George Washington had legitimized the Constitutional Convention, the Constitution, and then the American government. Eisenhower ran for president in 1952 to keep Taft from gaining ground within his own party, continued Truman's policies of restraint and engagement with Europe, and endorsed the Cold War containment policy elaborated in Truman's NSC-68 plan of 1950, which would guide U.S. presidents for the next 40 years.

All this is somehow neglected by liberals, who keep imagining that a long-term commitment to global endeavors requires a parallel commitment to spending, and meddling, at home. But it was Ike, the fiscal conservative (and private critic of the New Deal and its programs) who in 1947 would write in his diary, "I personally believe that the best thing we could do now would be to post 5 billion to the credit of the secretary of state and tell him to use it to support democratic movements. . . . We must restore these broken economies, and give freedom a chance to live."

Truman could not have put it better, and indeed he did not: Conservatives then (and now) had no trouble distinguishing between overspending at home and the need to respond to a vast human crisis abroad. "National security relies on economic security," Beinart informs us. "Generosity at home is the foundation for generosity overseas." But today it is the Third Way states of Old Europe, ever too generous with welfare and benefits, who are stagnant and turned inward, while vigor and growth reside in the Anglosphere, reformed in the '80s by Reagan and Thatcher; in India (where Bush's relations are excellent) and the newly freed parts of the Soviet empire, who are now well to the right of Old Europe and have few illusions about state benevolence. Perhaps not so oddly, it is sluggish Old Europe that is the most unnerved by Bush's democracy projects, while the Anglosphere and New Europe have been his best friends.

Wars have been won, and freedom expanded, by Roosevelt and Truman, who extended the welfare state, Reagan and Thatcher, who cut back its excesses, and Ike and John Kennedy, somewhere in between. In the Marshall Plan years, Ike, Harry, and young Congressman Kennedy, a fairly hard-line and conservative Democrat, were on the same page on most major issues, and though they later fell out and sniped at each other in the course of campaigning, they maintained the same overall foreign policy outlook. In the same way, a hard line on Iraq is held by George W. Bush, John McCain, and Joe Lieberman, whose domestic ideas differ greatly. There's no reason at all why liberals can't be hawks; they just haven't been doing it recently. And judging by the state of the debate, they're not about to start doing it soon.

Myth number two is the modesty gambit, the belief that the Cold War world order was built by the meek, organized around the idea that American power was too big and too brutal to unleash on a small, gentle world. Truman, according to Klein, placed "the need for American restraint and humility" at the center of all his designs. With this in mind, quoth Beinart, Truman "encased" the United States in a web of treaties that vastly curtailed its power. Thus was Washington able to convince its allies to agree to be protected by America's bombs and its armies, and to accept billions of dollars in aid. This is the lesson, so they inform us, that has been totally lost on Bush. "In Iraq, by contrast," Beinart instructs us, "Bush utterly failed to convince not merely the U.N. Security Council but most of America's democratic NATO allies that the war would really make the world safer." Not mentioned in this account is that it is easier to win friends when you are offering them protection and money (as Truman was doing in the late 1940s) than when you ask them for effort and sacrifice (as Bush did in 2002).

Not mentioned either is the small matter that the U.N.'s favored approach to Iraq, the Oil-for-Food program, was no jewel of multilateralism but a sink of corruption, useful mainly for shoveling money to the family of the sanctimonious and Bush-bashing secretary general, and that some of the "democratic NATO allies" who refused Bush's entreaties had been taking money for decades from Saddam Hussein. How might Harry have dealt with a France being bought off by the Soviet Union? With restraint and humility? "Rather than

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wield its enormous power alone, the United States would share it with other countries," Beinart claims. "NATO was the expression of this idea." Not quite. The idea behind NATO was to bring the weak, war-battered countries of Europe safely behind the shield of American power, to keep them from being picked off one by one by the Soviet Union, as the Rhineland, Austria, and Czechoslovakia had been picked off by Hitler in the years before World War II. As for the mesh of Cold War treaties undertaken by Truman and his successors, these had three major purposes: to convince the Soviet Union that the commitment was solid and lasting; to make it clear to the small nations that we would not desert them; and to make it difficult, perhaps impossible, for an isolationist president, should one be elected, to pull his country out of the world.

Humility was not a factor in these calculations, nor was the theory that American power was less than legitimate when used unilaterally. Dean Acheson, Truman's secretary of state, had little use for the United Nations, which had already been rendered impotent by the split in the Security Council, and Truman shared his opinion, being prepared to go into Korea without its consent. He did get its consent, only because the Soviet Union blundered by boycotting the Council. But as Max Boot reminds us, "Truman had already committed air and naval forces to combat before the vote," later writing to Acheson that without the U.N., "We would have had to go into Korea alone."

At the time, of course, the liberal hawks did not impress their observers as deferential to others. Truman was seen (rather like Bush) as being headstrong and cocky, Acheson as imperious and arrogant. Neither did Roosevelt or Kennedy strike people as being obsessed with his own or his country's shortcomings. Humility, deference, and multilateralism did not take pride of place in the Democratic lexicon until well after the party's mid-century triumphs, more or less at the same time it began losing elections. Based on the selection of these themes as talking points, it is not about to start winning them soon.

Myth number three is the Frankenbush Monster, otherwise known as the Sum of All Fears. In reaction and in contrast to the softened and idealized version of Truman, liberals have created a hardened and demonized version of Bush, the soulmate of all their bogeymen: Robert A. Taft, John Foster Dulles, Barry Goldwater (who lost 44 states to Lyndon B. Johnson), Richard Nixon at his most demagogic, and, of course, Tail Gunner Joe McCarthy. It is from these sources, liberals claim, that modern conservatives derive their deepest instincts: their militarism, their belligerence, their insularity, their disdain for allies and treaties, and their menacing penchant to seek "moral clarity," which led to blacklists, and worse, in the past.

As the seminal force behind the Bush worldview, Beinart tends to obsess on James Burnham, a proponent of preventive war who wrote for *National Review* in its earliest days, despite the fact that Burnham was hardly a household name in his heyday and there is no evidence that Bush has any familiarity with him. Nonetheless, Beinart conjures up a "tradition that runs from James Burnham to George W. Bush and Dick Cheney" that will prevent victory in the war on terror because its adherents "don't understand Reinhold Niebuhr's insight that unless America recognizes that it can do harm in the world, it cannot do any good." Oh? When exactly did Bush ever express the opinion that America couldn't do harm? Of course, he didn't, just as he never said any of a number of things the liberal hawks have chalked up to his name: that he has "denied America's capacity for evil," described "free elections as a finish line that nations cross and then live happily ever after," or said that democracy was "America's gift to the world." What he did say is that free elections are a first step in a long, complex process and that freedom is God's gift to humanity. But why bother reporting what Bush really said when you can make up something that sounds clueless, and might make him look bad to the world?

And how do you trace internationalists with a passion for spreading global democracy back to a handful of crabbed isolationists in the mid-1950s who wished to entrench themselves within their own borders, and held a dark view of the world? None too convincingly—especially when this exercise involves trying to ignore their true antecedents, who are a rather more plausible lot. One of these was Ronald Reagan, an original Truman Democrat and New Dealer who, when he became a conservative, did not shed his Trumanesque foreign policy skin. As his biographer Lou Cannon tells us, "Reagan's loathing of government stopped at the water's edge of national defense, a view he held as an interventionist New Dealer . . . and which he carried with him largely unchanged into conservative politics. . . . 'National defense is not a threat to peace; it is the guarantee of peace with freedom,' Reagan often said." This is the true voice of Truman, and it is no mistake that Reagan, in his fight against communism in Central America, invoked Truman while making his case. Reagan's May 9, 1984, speech calling for support of Nicaragua's contras "was

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organically related to the Truman Doctrine in its rationale and rhetoric," Cannon says, noting that Reagan included a quote from Truman's speech of March 12, 1947: "The free peoples of the world look to us for support in maintaining their freedoms. If we falter . . . we may endanger the peace of the world."

Modern foreign policy conservatism does not begin in the mid-1950s. It begins in 1980, when Ronald Reagan brought the Truman DNA into the Republican party, along with a cadre of Scoop Jackson Democrats, marking a break not only with the isolationist impulse, but with President Nixon's accomodationist détente with the Soviet Union. It was this campaign, and this program, not intellectual theorists of 30 years before, that ignited the interest of George W. Bush.

Myth number four is the Perfection Illusion, the fantasy that once all was well. "Remarkably, on their very first try," or so Klein informs us, "Harry Truman's liberal anti-Communists developed a global leadership strategy that was strong, sophisticated, optimistic, and humane." Well, perhaps, if you omit the word *global*. In Europe, the Truman Doctrine was a roaring success that stopped communism at its World War II borders, held the line (after more than a few dicey moments), and allowed Western Europe to recover from war comfortable (perhaps a little too comfortable) behind the American shield. In Asia, however, it was a disaster. Mao triumphed in China; war and then a bloody stalemate dragged on for years in Korea; and Vietnam became a catastrophe. There was nothing strong or sophisticated in any of this, or, from the point of view of these countries' unfortunate citizens, anything in the outcome that was remotely humane. The Wise Men who devised the formula that saved most of Europe—supplying regimes under pressure from Communists—ran out of answers when it turned out the regimes under pressure were too inept, too corrupt, or too unpopular to use aid effectively; and the United States was faced with the choice of letting them go (as in China) or taking the war over, as in Vietnam. Neither choice was in any way popular, and each ended badly. North Korea and China are still causing problems. Truman didn't "lose" China—it wasn't his to begin with—but the Wise Men, it seems, were not quite all-knowing. Do not expect the subject of Asia to come up all that often in these hymns to the liberal hawks.

Above all, do not expect Korea to be brought up at all. Korea, in fact, is Iraq on steroids, a compendium of every complaint that the liberals bring against Bush and his administration: a war of choice that began with an error, that became in effect the mother of quagmires, that cost billions of dollars, killed tens of thousands, and dragged on years longer than anyone looked for, to an inconclusive and troublesome end. It began with a mistake—Acheson's omission of South Korea from a list of countries within the American sphere of protection, which may have led the North to believe it could invade without consequence. It was a war of choice, in that it was an invasion of a country to which the United States was not bound by treaty, but felt obliged to defend as a matter of principle. (The elder George Bush would make a similar decision in 1990, when Saddam Hussein seized Kuwait and its oil fields.)

Complaints began at once that Truman invaded without enough preparation, that he erred when he crossed the border into North Korea without a clue as to what he planned to do when he got there, and that he erred even more in having no inkling that his move would draw in the Chinese, which it did. At once, the war, and the risk, grew exponentially. As Michael Barone would write later, "The United States suddenly found itself at war with an utterly alien foe, led by men of whom it knew nothing, and with whom it was in no communication, and backed by virtually unlimited reserves of manpower. . . . The decision to go north of the 38th parallel, coupled with the decision not to cross the Yalu . . . put the U.S. forces in peril and raised the possibility of broader and even nuclear war." The war that Truman expected to have been clean and quick stretched into a long, hard slog with no exit plan visible. The public turned on the war, and on Truman, whose approval ratings bottomed out at 23 percent near the end of his tenure. His presidency was widely assumed to have been a debacle. In 1952, he was shunned by his chosen successor. His country was eager to show him the door.

What, one wonders, would today's liberal hawks have made of him and Korea, given their penchant for neat, well-planned wars that end quickly, and their standard of zero mistakes? Would they have screamed for the scalp of Acheson? Ripped Truman to shreds for having gone in too rashly? Flayed him alive for undoubted misjudgments? Said (as did John Kerry and some "pro-war" Democrats) that while they supported the invasion in theory, they had never expected Harry Truman "to f— it up as badly as he did"? If they quail at the expense of Iraq, what would they have said to the expense of Korea? If they quail at casualties of under 3,000, what would they have said to the more than 37,000 dead? Would they have been among the 23 percent who stayed loyal to Harry? Or would there have been second thoughts, mea culpas, and abject, not to say groveling, apologies to the antiwar left?

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Some sense of what they might have done came in a radio address by James Webb, the Marine Corps veteran, former Reagan secretary of the Navy, and now antiwar Democrat running against George Allen in the Senate race in Virginia. As part of a strained analogy, in which he and the Democrats would play the part of Eisenhower in 1953, Webb called Truman's conduct of the Korean war "an appalling failure." Liberal hawks hail Harry now that he has been cleared by the verdict of history, but what would they have said in those dark days of trial? Would they have been loyal, in real time, to the man they now look to? Or would they have bailed out on Korea and Harry, as they have now bailed out on Bush and Iraq?

Democrats are right to look back to their mid-century heroes, larger than themselves in every dimension, trying to find their appeal and their secrets. But when they try to be like them, something odd happens: Instead of making themselves tougher to be more like their models, they rewrite history to make their idols seem softer, cutting their antecedents down to their own small size. The process resembles the fiasco of the FDR memorial on the Washington Mall, dedicated by President Bill Clinton in 1997. The liberal lion of the 1940s was strained through the modern sensibility of Clinton's party, and came out worse for wear. FDR, a flamboyant figure who could swagger while sitting, was downsized. The exhibit centers disproportionately on his domestic achievements, though it is unquestionably his role as a war leader that earns him his standing among the Big Three. His cigarette holder is taken away; his wife is made to forgo her fur tippet; and the disability he overcame (and concealed from the public) is now emphasized. The stress throughout is on being a victim: Americans as victims of the Depression and poverty, Roosevelt as a victim of polio; everyone as a victim of circumstance. The sculptures themselves reveal most of the story: forlorn looking figures slouch in a line, waiting for help from a government agency; World War II is pushed out of the picture. No one is shown storming a beach, wading ashore, or raising a flag on a reconquered island. And no one, certainly, is toiling at Los Alamos, hard at work on the atomic bomb.

The bomb was dropped twice, of course, by Harry S. Truman, a critical detail that goes unremarked in the recent wave of Truman worship. Truman was the first Cold War president, but he also is the man who ended the hot war before it, and steered it to its shattering close. If the Truman of Korea is not mentioned much by today's liberal warriors, the Truman of Japan is not mentioned at all: a relentless war leader who used power to crushing and awesome effect. In the last months of the war, to avoid an invasion of the Japanese islands, America's two greatest liberal presidents planned, executed, and blessed a campaign so completely hair-raising that the horror remains to this day. "From March to July 1945, against virtually no resistance, the B29s dropped 100,000 tons of incendiaries on sixty-six Japanese towns and cities, wiping out 170,000 square miles of closely populated streets," Paul Johnson relates in *Modern Times*.

> On the night of March 9-10, 300 B29s, helped by a strong north wind, turned the old swamp plain of Musashi, on which Tokyo is built, into an inferno, destroying fifteen square miles of the city, killing 83,000 and injuring 102,000. . . . Even before the dropping of the A-bombs, Japanese figures show that raids on sixty-nine areas had destroyed 2,250,000 buildings, made 9 million homeless, killed 260,000 and injured 410,000. . . . Nuclear weapons were merely a new upward notch in a steadily increasing continuum of destructive power. . . . On August 1, 820 B29s unloaded 6,600 tons of explosives on five towns.

Five days later, the first atom bomb hit Hiroshima, followed three days later by the bomb on Nagasaki. Two more bombs were ready for dropping, in case there had been further resistance. Truman never regretted his decision to drop them, and said he had never lost one minute's sleep.

What Truman showed here is the relentlessness he shared with Lincoln and Roosevelt; the will to do what one must to save one's people, in the knowledge that sometimes men who do not like to kill are forced and obliged to kill in great numbers, to make sure that cruel and evil regimes do not flourish and that those who like killing do not rule the earth. It is the Democrats' problem—and therefore the country's—that their last president to understand this on a visceral level left the White House in 1963 in a coffin, and that none of their leaders have quite known this since. Their evocations of these people feel and sound hollow—they may like the idea of FDR, JFK, and Harry, but one feels the real men would unnerve them. They are right to look to Truman for a way out of their malaise and their quandary, but the Truman they create is part of the problem: soft-power Harry, Humility Harry, with none of the iron that he had in real life. They don't like the real Harry—the one of Japan and Korea—and they don't like his real traits, when they see them in others, like George W. Bush. This is their flaw, and their evasions won't help them. When they own and admit the genuine Harry, people will trust them with power again. ♦

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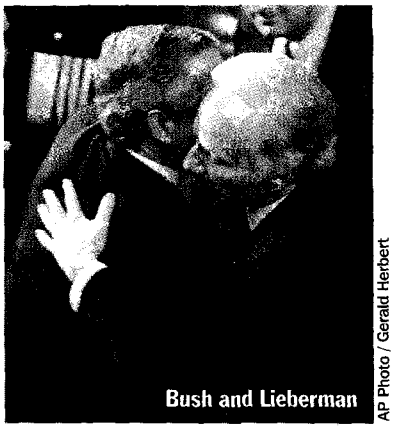
Kiss of Death?

Lieberman's unforgivable sin: He doesn't hate Bush

By Matthew Continetti

Norwalk, Conn.

On July 6, the commuters stopping by O'Neill's pub on North Main Street here on their way home from work for a beer and a ballgame found themselves in the middle of a political rebellion. While the after-work crowd stood along the bar, drinking Stella Artois and carousing, watching the Yankees wallop the Indians on small television sets scattered throughout the premises, another group—quieter than the regulars, friendly and polite—sat at tables in the adjacent dining area, watching another spectator sport: C-SPAN's feed of the first, and only, scheduled debate between Sen. Joe Lieberman, the three-term Connecticut Democrat and former vice presidential candidate, and Ned Lamont, the Greenwich cable magnate who is challenging him in the Democratic primary. The debate played on a huge television screen at the front of the dining area. Every so often, one of the nonpolitical types cast a suspicious glance in the direction of this second group—more than two dozen supporters of the Lamont insurgency.



Bush and Lieberman

AP Photo / Gerald Herbert

As they watched the debate, the ladies sipped white wine. The men sipped draught beer. Those below drinking age—about three teenagers—were handed sodas. There were more than enough spicy wings and nachos and quesadillas and potato skins for everyone to enjoy. Occasionally, though, the Happy Hour crowd grew raucous, and the insurgents shush-shushed them until order was restored. And civility reigned.

With one exception. Shortly after 7 P.M., when Sen. Lieberman first appeared on screen, the insurgents hissed and booed. When Lamont appeared on screen—his eyes wide, his speech halting—the crowd erupted in cheers and whistles.

They had plenty to be happy about. That there was a debate at all was a victory for the "Nedheads," as they are sometimes called, and for their leader, who formally launched his campaign in March. That Lamont has also proven himself an able campaigner, with a quick wit and approachable smile, only adds to the Nedheads' joy.

Lamont's political skills were no sure thing. On paper, he is a caricature of a limousine liberal. His great-grandfather was a partner of J.P. Morgan who accumulated dynastic wealth. His great-uncle, Corliss Lamont, was an outspoken pacifist and Socialist. He attended Phillips Exeter, then Harvard, then the Yale School of Management. In between his undergraduate and graduate degrees he dabbled in journalism at a small paper in Vermont. In his inherited fortune, in his elite schooling, in his antiwar politics, and in the demographic makeup of his supporters, he resembles no other American politician so much as Howard Dean—whose brother James, the chairman of Democracy for America, a progressive advocacy group, is supporting Lamont's attempt to topple Lieberman.

This is the first time anyone has mounted a primary challenge to Lieberman in his 18 years in the Senate. And while the senator continues to enjoy a comfortable lead in the polls among likely primary voters, that lead is dwindling—from 46 points in early May to 15 points in early June, according to researchers at Quinnipiac University in Hamden. (In mid-June, the pollster Scott Rasmussen, using a smaller sample, put the lead at 6 points.)

The Nedheads must also be pleased at all the attention the national media have showered on the campaign. The media are interested in Lamont for two reasons. One is that his most vocal disagreement with Lieberman concerns the war in Iraq, which Lamont and nearly two thirds of Connecticut voters in the Quinnipiac survey oppose. From this angle, Lieberman's fate is a test case for the future of muscular internationalism in the Democratic party.

The other reason for all the exposure is that Lamont is a darling of the "netroots," the group of progressive bloggers and activists who are now the main source of energy on the

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American left. Markos Moulitsas, the most influential lefty blogger and the host of the recent "Yearly Kos" convention in Las Vegas—which drew two-thirds of the Democratic leadership (Nancy Pelosi cancelled at the last minute) and several potential presidential candidates—champions Lamont on his website, Daily Kos. More important, Moulitsas and other bloggers use their websites to raise campaign money for Lamont; exact figures are difficult to obtain, but a reasonable estimate is several hundred thousand dollars so far. This is a large number for bloggers, but not for Lamont, whose personal wealth is between $90 million and $300 million, according to financial disclosure reports. Last week, Lamont said he is prepared to spend $2.5 million of his own money in the primary.

The bloggers bring with them not only laptops and cash, but also vitriol. They have called Lieberman a "liar," a "weasel," a "wanker," "scum," and a "whiny ass titty baby," among other things. One Lamont supporter at O'Neill's wore a T-shirt he had bought on the Internet that read: "F— Joe Lieberman." On July 4, marching in a parade in Willimantic, Lieberman was heckled and called a "warmonger" and a "traitor," according to press accounts. Also at the parade, Lamont supporters built a float with giant papier-mâché heads of Lieberman kissing President Bush, an allusion to an embrace the two shared at the 2005 State of the Union address. The float called Lieberman a "RAT"—a "Republican Apologist and Turncoat."

Such is the unanimity of contempt for Lieberman among a certain class of Connecticut Democrat that when I asked someone at O'Neill's whether he supported Lamont, the man—an Air America radio listener from Stamford named Joe—pointed to a button he wore on his cap. The button displayed the names of the 2000 Democratic presidential ticket. Lieberman's name had been blacked out.

The news gets better for Lamont. Last week, Lieberman announced that, if defeated in the primary, he would still run in November as a "petitioning Democrat." The phrase is the senator's way of staying in his party even if it rejects him. But it is just a phrase. As the bloggers point out, Connecticut law stipulates that only one Democrat can appear on the ballot. Lieberman would have to create a new party—one forbidden from incorporating under the name of an existing party—or run as an independent.

For the bloggers, Lieberman's announcement upped the stakes. Moulitsas began to keep a "whip count" of those national Democrats who have said they would support the primary winner—no matter who he is. On July 6, Moulitsas's list included John Kerry (who even declined to endorse Lieberman in the primary), Al Gore, Russ Feingold, Howard Dean, Barack Obama, Bob Menendez, and Iowa governor Tom Vilsack.

Also on the list was New York senator Hillary Clinton, the Democratic presidential frontrunner, whose husband worked on Lieberman's first campaign and whose every utterance is treated as if it were a pronouncement from the Oracle at Delphi. "I want to be clear that I will support the nominee chosen by Connecticut Democrats in their primary," Clinton said in a prepared statement. Recently, and perhaps not coincidentally, Sen. Clinton hired a blogger, *Salon.com* writer Peter Daou, to work for her Friends of Hillary political action committee.

Lieberman has his defenders—including, one must remember, most of the likely Democratic primary voters (at least for now). Among national Democrats, Lieberman draws support from his senior colleague Chris Dodd, Delaware senator Joe Biden, California senator Barbara Boxer, Colorado senator Ken Salazar, Nebraska senator Ben Nelson, and Arkansas senator Mark Pryor. With the exception of Dodd and Boxer, all are moderates. Biden and Boxer plan to campaign for Lieberman, but otherwise support from these sources has been tepid and limited to endorsements.

Among the major interest groups, the AFL-CIO and the Human Rights Campaign have both endorsed Lieberman. Among bloggers, his most vocal, and perhaps sole, non-Republican supporter has been Marshall Wittmann, whose zig-zagging career trajectory—from the Christian Coalition to the Heritage Foundation to Sen. John McCain's staff to the Democratic Leadership Council—places him at a far remove from most Daily Kos readers. The feeling is mutual. Wittmann calls the progressive bloggers the "nutroots."

Lieberman's problem is that his most ardent defenders are Republicans, including talk show host Sean Hannity and liberal congressman Chris Shays of Connecticut. It is no stretch to say that Lieberman is every Republican's ideal Democrat, for reasons extending from his stances on some issues to his general demeanor and outlook on public life. "It's all Republicans who come up to me and say, 'I can't believe you're going against Lieberman,'" one Democrat from New Canaan told me. She added that such encounters have only hardened her support for Lamont.

At the beginning of last week's debate, Lieberman said, "Ned Lamont seems just to be running against me based on my stand on one issue, Iraq." That sentiment has been echoed throughout the campaign. Media coverage portrays the primary fight mainly as a contest between hawks and doves.

But the truth is the bloggers' critique of Lieberman is more sophisticated than that. Each of the Lamont support-

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ers I met at O'Neill's pub ran through a long chronology of Lieberman's crimes against the Democratic party. More often than not, these begin in 1998, when Lieberman scolded President Clinton on the floor of the Senate, and pass through 2000, when he declined to give up his Senate seat after joining the presidential ticket, before detouring in 2002, when he picked a public fight with Gore over campaign strategy, and then careening toward November 2004, when he appeared on Fox News after John Kerry's loss and "smiled," before arriving in 2005, when he held open the idea of compromise with Republicans on adding personal retirement accounts to Social Security, lent support to the Republican congressional intervention in the battle over Terri Schiavo, and voted for the "Cheney energy bill." Finally, the Nedheads end up with last winter, when Lieberman voted for cloture—allowing a final vote to proceed—on the Supreme Court nomination of Samuel Alito. Iraq is only one count in this indictment.

Yet it is important. Lamont himself traces the idea for his challenge to November 2005, when the *Wall Street Journal* published an op-ed by Lieberman backing the president's strategy on Iraq. Lamont favors setting a timetable for withdrawal, with a complete pullout sometime in 2007; in the debate, Lieberman called the timetable idea "dumb." He has left open the possibility of future American military bases in Iraq, which Lamont and most progressives oppose. The two campaigns spend more time attacking each other on Iraq than any other subject.

For Lamont's supporters, Lieberman's stance on Iraq, when combined with his other alleged faults, points to a larger issue: representation. The idea that Lieberman fails to represent Connecticut Democrats adequately is a constant refrain. The more prominent bloggers echo—and perhaps perpetuate—all these sentiments. On July 5, Moulitsas wrote on Daily Kos, "It's not just about the war." Then he added, "Lieberman's problem isn't with the party. It's with the *voters*. And they're not happy. And since he's representing *them*, he has to keep them happy."

The question is, Why aren't they happy? The fact is that Lieberman's reputation as a "moderate" or a "conservative" Democrat has always been exaggerated. He might have condemned Clinton's behavior in the Lewinsky scandal, but he did not advocate impeachment and backed off quickly from censure. During the 2000 campaign, he was more than happy to distance himself from neoliberal positions he had taken previously on school vouchers and affirmative action, and then he waited two years before challenging Al Gore's "People vs. the Powerful" campaign strategy in which he had been a willing participant.

Lieberman has opposed all the Bush tax cuts, opposes a constitutional amendment to ban same-sex marriage, opposes the ban on partial-birth abortion, voted against Samuel Alito's confirmation on final passage, and opposes drilling in the Arctic National Wildlife Refuge. He favors restrictions on carbon dioxide emissions and was a forceful advocate of the Kyoto accords. In both 2003 and 2004, he scored a zero from the American Conservative Union, according to the *Almanac of American Politics*. In 2004, *National Journal* rated his voting record on economic and social issues overwhelmingly liberal.

Look at it from this angle, and it seems the bloggers are trying to have it both ways. They say Lamont's campaign is about more than the war, and yet the major issue separating Lieberman from the Democratic grassroots is the use of American power in the service of American ideals, whether in Bosnia, Kosovo, Iraq, or beyond. Indeed it was somewhat bizarre to witness how often Lieberman and Lamont agreed during last week's debate. Both praised the Supreme Court's recent decision in *Hamdan* v. *Rumsfeld*, which required the Bush administration to seek statutory permission from Congress before trying suspected al Qaeda operatives in military tribunals. Both said they were willing to go against party sentiment if they thought a particular course of action was the right thing to do. Both said the Bush administration's policy toward North Korea was a failure. Yet the Nedheads hissed when Lieberman spoke, and applauded when their candidate said exactly the same thing.

There are two explanations for this apparent paradox. The first is that the true divide in the Connecticut Democratic party is not between hawks and doves but between a veteran, "establishment" politician and the grassroots supporters who feel the party has abandoned them and wish to reassert control. On July 5, Moulitsas expressed this sentiment on Daily Kos:

> There are people who are sick of clubby DC disrespecting the Democratic rank and file. There are those in DC who understand and respect the fact that power resides with the people, and that the will of the voters must be respected. Then there are those who value power above all else, who don't think they should remain accountable to their constituents, and who will support the efforts of their colleagues to subvert the will of the people in order to keep their incumbency protection racket intact.

The economist and blogger Stirling Newberry also views the primary in this light. On July 6, blogging at *www.tpmcafe.com*, he wrote that the Lamont-Lieberman debate was "the breaking into the open of a war between establishment insiders and the base of the party." He went on:

> This war is beyond ideology, it features progressive darlings such as [Sen.] Boxer going out for Lieberman, not merely pro forma supporting him. It featured a month-long weasel word-fest from Senator Chuck Schumer about whether the

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DSCC would back Lieberman if he ran as an independent. . . . America hates people who become Washingtonized.

This interpretation is somewhat persuasive, but it breaks down when you try to figure out who comprises the Democratic establishment. Isn't Ted Kennedy more establishmentarian than Lieberman? Isn't Hillary Clinton? Why aren't they targets? Howard Dean, the netroots' champion, is the chairman of the Democratic National Committee. Lieberman is the junior senator from Connecticut. Who is more "establishment"? The categories blur until they are devoid of meaning.

What increasingly seems to be the case, however, is that one's status as a member of the Democratic establishment is entirely dependent on how much attention one pays to the progressive bloggers.

The second, and more convincing, explanation for the furious assault against Lieberman in spite of his longstanding liberalism is that the assault actually has little to do with Lieberman. Its real target is George W. Bush. Each of Lieberman's alleged errors comes from siding with positions that the Bush administration also has taken. Since the Iraq war is the major project of the Bush administration, and since Lieberman supports that project, it stands to reason that the Iraq war would dominate the primary. For the progressive bloggers, the actual content of Lamont's positions on the issues is mostly irrelevant. What is most relevant is his willingness to oppose Bush and conservatives in general.

That is why the most popular campaign button among the Nedheads displays a photo of the moment when George W. Bush, after his 2005 State of the Union, embraced Lieberman and planted what appears to have been a kiss squarely on his cheek. It might as well have been a kiss of death, of the sort that Michael Corleone gives his treasonous brother Fredo in *The Godfather, Part II*. For Lamont supporters, the photo symbolizes all that is wrong with Lieberman's approach to politics. One volunteer told me that, when it came to Lieberman, "It always seemed that every time he reached across the aisle, he was compromising our side's principles." Another said she supported Lamont because "I want to vote for a Democrat."

In this view, ultimately a Democrat isn't someone who is pro-choice and for progressive taxation—like Lieberman. A Democrat is someone who opposes Republicans. One can be conservative on some issues and still have friends among the lefty bloggers—witness Moulitsas's support for former Reagan secretary of the Navy Jim Webb's campaign to unseat Virginia Republican senator George Allen. All that is necessary is a burning desire to defeat Bush and the Republican agenda. Lamont has that desire. However, in his more than 30 years in politics, Lieberman has demonstrated he favors compromise when he deems it necessary.

An underreported element of last week's debate is that Lieberman tacitly recognized this new political reality. While defending his position on Iraq, he also took great pains to say, "I know George Bush. I have worked against George Bush. I have even run against George Bush. But, Ned, I'm not George Bush." Then he played up those times he has stood against the administration: "The fact is that I have opposed George Bush on most of the major policy initiatives of his administration, from tax cuts for the rich to privatizing Social Security." (As the bloggers quickly pointed out, however, Lieberman's hedging on Social Security reform was different from outright "opposition.")

Then, in a far more audacious move, Lieberman attacked Lamont for compromising with Republicans. Years ago, Lamont was on his town council. Lieberman accused him of voting with the Republicans 80 percent of the time. Lamont seemed bewildered at this line of attack. In rebuttal, he said he had voted with Republicans on matters of "potholes and stop signs," not "things that are key to the Democratic party and what we stand for."

The attack seemed too clever for its own good, but in the end Lieberman won the debate. Lamont acted like a novice. He dodged a question about whether he'd release his tax returns, claimed—proudly—that illegal immigrants were among the students he taught in his volunteer high school class in Bridgeport, and said he'd like to ban earmarks but would bring home the bacon if elected to the Senate. "He was clearly nervous," Moulitsas wrote afterward. It was the consensus view of the liberal blogs.

Yet the fact that Lamont appeared less a polished debater and more an amateur concerned with the fate of his country may end up helping rather than hurting him. It was a typical irony of this turbulent and uncertain campaign that Lamont, the advocate of opposition, was timid and soft-spoken, while Lieberman, the advocate of compromise, was aggressive, even rude. Lieberman disobeyed the rules governing rebuttals and interrupted Lamont's answers several times. He seemed dismissive of his opponent—"Who is Ned Lamont?" he kept asking—and irritated at the idea of a contested primary. Smarting at the interruptions, Lamont got off his best line of the debate: "This isn't Fox News, Senator."

"Lieberman kept interrupting and rebutting," one of the liberal bloggers at *MyDD.com* wrote afterward, "but really didn't make any effective points. He started off angry, and ended angry." It is a testament to the new powers rising in the Democratic party and the ongoing polarization of American politics that if Lieberman had behaved toward Bush as he did toward Lamont, the kiss of death might never have happened, and his political career might be secure. ♦

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Musicians in Harlem, 1958

Critical Blues

Stanley Crouch's unfinished symphony By Ted Gioia

Like a stripper from the 1950s, Stanley Crouch has built a career on promising more than he delivers. As a young man, he played the drums and associated with some of the greatest jazz talents of his generation. But he abandoned the drumsticks for the typewriter before ever making his mark as a musician.

As a writer, Crouch proved even more coy, keeping the jazz world waiting for his much-ballyhooed biography of the self-destructive genius Charlie (Bird) Parker. And it waited and waited, and still waits. I first heard about the project in 1987, and don't expect to see it in the stores anytime soon.

Ted Gioia is the author of Work Songs *and* Healing Songs *and is at work on a history of the Delta blues.*

Crouch then turned to fiction, and at this late stage in his career—he recently celebrated his 60th birthday—he has a single novel to his credit.

But Crouch filled the time he wasn't devoting to Parker or the Great American Novel with occasional projects: journalism, essays, introductions, appearing behind the podium, on panels or in documentaries. He excels in such settings, and has made his reputation in bite-size chunks of a few hundred, or a few thousand, words. His *Notes of a Hanging Judge* (1990) was the first of several collections of shorter pieces, and set the tone for the Crouch public persona: pugnacious, sassy, irreverent, unpredictable. Crouch was destined to stand out from the crowd.

Considering Genius
Writings on Jazz
by Stanley Crouch
Basic Civitas, 359 pp., $27.50

Above all, he has demonstrated a knack for being in the right place at the right time. Crouch served as Wynton Marsalis's personal hagiographer, and he boosted his own career in tandem with the great trumpeter. Where Wynton led, Crouch soon followed: in liner notes or personal appearances; as a consultant to Lincoln Center as it sought street credibility in the jazz world; or as a major talking head in Ken Burns's jazz series on PBS. Crouch even managed to surpass his alter ego, snagging a "genius" grant from the MacArthur Foundation—one of the few major honors Marsalis has not yet won.

Other jazz writers carped and complained, although usually in private,

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and invariably with more than a hint of envy in their voices. In this regard, too, Crouch followed in the footsteps of Marsalis. When Wynton was the brilliant young trumpeter, jazz insiders praised him lavishly; but when he achieved a large crossover audience among (horrors!) the general public, they turned on him. Crouch got caught in the crossfire of this internecine war, which continues to this day. But the very persistence with which Crouch's critics read his articles, rebut his TV pronouncements, and grumble over his opinions, simply reinforces his importance and influence.

And like Marsalis, Crouch learned how to work a room. In person or in print, he is a formidable presence. He rarely plays it safe, and will jump in with grand pronouncements and crafty generalizations where others merely offer a cautious suggestion or a tepid hypothesis. Reading his prose, I am reminded of my delight as a youngster in watching interviews with TV wrestlers: the ranting and raillery, the dares and double-dares, the finger-pointing and in-your-face exuberance of it all. Crouch is much the same, grabbing the audience's attention and holding it in an illegal head lock, smiling in triumph amidst the taunts and cheers.

Given Crouch's preeminence as America's most visible jazz critic, it is somewhat surprising that *Considering Genius* is his first book devoted exclusively to music. In previous collections of miscellaneous writings, Crouch has frequently tackled jazz subjects, directly or indirectly. But now readers have the opportunity to accompany him on an extended prose tour, over the course of more than 300 pages, of the jazz world according to Crouch. And with such an animated cicerone, the sights and sounds are rarely boring.

Jazz writing can be divided into two camps. In the grand tradition of Martin Williams, Gunther Schuller, and Whitney Balliett, the music takes center stage, while the critic retreats into the background. Like Crouch, Balliett was an aspiring drummer and a man-about-town, but one can read a thousand pages of his *New Yorker* pieces without getting any sense of his biography or his personal maneuverings on the music scene. Schuller is even more austere, preferring the precise terminology of musicology, offering pages thick with transcriptions in lieu of anecdotes and firsthand accounts. And yet, heaven knows, as someone present at the Birth of the Cool (the famous Miles Davis recording session that shook up the postwar jazz scene) and many seminal events since that time, Schuller must have more than his fair share of amusing tales.

For the second school of jazz criticism, pioneered by Leonard Feather, and best exemplified today in the writings of Crouch, Gene Lees, and Nat Hentoff, the critic is a protagonist in the shifting scenes of action. His insider status as roommate, confidant, adviser, producer, drinking buddy—whatever—to the jazz greats adds a piquant flavor to the proceedings. We come to know these authors, feel drawn inside their special sphere, appreciating their writings as much for their narrative flow as for their critical insights.

Much of *Considering Genius* is given over to these first-person musings. The suspicious reader even wonders about the title. Perhaps Crouch is touting his own coveted "genius award" as much as he is writing about Louis Armstrong and Duke Ellington, Miles Davis and Bird. In any event, the opening prologue, "Jazz Me Blues," displays Crouch's critic-as-hero approach at its best. Crouch and I share an upbringing in the Los Angeles area—we were raised roughly 12 miles, and 12 years, apart—and despite many differences in the details of our coming-of-age, his account resonates with me. But even readers with no ties to the dream coast will appreciate his story. Not just for Crouch, but for his whole generation, music has been inseparable from questions of self-identity and group-identity, and songs have served as an inevitable gateway to social criticism. Stanley Crouch covers this ground as well as any writer working today.

The best criticism always has a biographical element, even when it is not written explicitly in the first person. Great music affects us with tremendous immediacy, sometimes even viscerally. To filter out our direct personal response is to risk denying the very essence of the musical experience. Crouch never falsifies this bedrock foundation of the critic's task. I sometimes disagree with his views—especially his repeated attacks on jazz styles that don't conform to his sometimes-narrow definitions—but I always appreciate his frankness of tone, his fidelity to his personal muse. His assessments of Miles or Dizzy Gillespie, John Coltrane or Parker, or of the various other jazz legends dealt with in these pages, invariably come across as deeply felt and ardently argued.

Crouch is not afraid of tackling controversial topics. In the context of a critique of the rock fusion recordings of Miles Davis, Crouch offers some dramatic fireworks. "The cult of ethnic authenticity often mistakes the lowest common denominator for an ideal," he writes. "It begets a self-image that has succumbed to a nostalgia for the mud. What we get is the bugaboo blues of the noble savage, the surly and dangerous Negro who will have nothing to do with bourgeois conventions. . . . In this climate, obnoxious, vulgar, and antisocial behavior has been confused with black authenticity."

In the face of such potent pronouncements, conservatives have sometimes felt inclined to claim Crouch as one of their own. But they are mistaken if they think they can easily pigeonhole this multifaceted writer. I have read Crouch for many years, and have come to enjoy his writings for their very unpredictability, their suspicion of cant, their willingness to take each experience on its own terms. Ralph Ellison once praised Crouch as a *provocateur*, and he got it just right.

This is, perhaps, why the great Parker biography has never appeared, why we still wait for the next Crouch novel. Crouch is at his most exuberant—and most effective—when blowing up the ideologies of others, rather than establishing a new one of his own. In the blighted landscape of our current culture, this type of demolition work may be the most important task for any critic to undertake. ♦

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Smith's Law

The companion to The Wealth of Nations.

BY P.J. O'ROURKE

As usual, free enterprise is under attack. Assaults on laissez-faire are being made by petro-commie Hugo Chávez, by the E.U.'s *dirigisme* regime, by Vladimir Putin's reassertion of nationalism and socialism—call it National Socialism?—in Russia. Congress thought Dubai had bought Newark and was going to move it to the Persian Gulf. The Treasury Department is having a neo-mercantilist fit over the current account deficit with China. And President Bush, in his last State of the Union address, made the shameful statement that "America is addicted to oil."

But Americans don't get sick and shaky when they're deprived of oil; they get sick and shaky when they pay for it. And the price they pay is artificially inflated by our government's taxes, acquiescence to a monopoly cartel, and restrictions on exploration, drilling, and refinery construction.

The world's political leaders need to be frog-marched back to *The Wealth of Nations* for a refresher course. The principles therein are straightforward enough. Even politicians should be able to grasp them. Economic growth depends on division of labor. Division of labor depends on freedom of trade. Freedom of trade depends on, in the words of Adam Smith, "the obvious and simple system of natural liberty."

What politicians are incapable of comprehending is the moral underpinning of free enterprise, that "system of natural liberty." Even many of free enterprise's advocates see market freedoms solely in terms of practical economics. The government of China comes to mind. But Adam Smith was not an economist. The discipline hadn't been invented. Adam Smith was a moral philosopher.

The Theory of Moral Sentiments
by Adam Smith
Cambridge, 446 pp., $70

The Wealth of Nations was part of a larger enterprise in moral philosophy. The first installment of Adam Smith's great undertaking was *The Theory of Moral Sentiments*, published 17 years before *Wealth*. Smith finished an extensive revision of *Moral Sentiments* the year before he died. He considered it his most important work. The book is not much read or referred to nowadays, but his theories in *The Wealth of Nations* cannot be understood without *The Theory of Moral Sentiments*.

Smith devoted most of his career to the project of bettering human existence. A modern person—or a modern person who doesn't wear Birkenstocks—is tempted to laugh. It is a hilariously big job. But most of us have undertaken hilariously big jobs such as raising children. We were lured into the enterprise by the, so to speak, pleasures of conception. New beginnings are always fun. And the prospect of making wholesale improvements in ordinary life was as novel and fascinating in the 18th century as the prospect of making life simpler and less stressful and blocking e-mail spam are today.

Smith set out to discern how people achieve systems of morality, economics, and government and how, by analyzing the way these work, people could better their ethical, material, and political conditions. It was a splendid opportunity to be a blowhard. Consider a recent thinker—a Herbert Marcuse, a Newt Gingrich, an Al Franken—launching into the subject. Fortunately, Smith had a knack for posing deep thoughts without making us cringe. His secret was to be an idealist without taking that impertinent and annoying next step of being a visionary. Smith didn't presume to have a "blueprint for society" and *did* presume that the ignorant and incompetent builders of society—he and the rest of us—couldn't follow one.

For example, in *Wealth* Smith denounced the Corn Laws, the British prohibitions on export of grain, as the crass inequity they were (and would prove to be when they starved my family out of Roscommon 70 years later). Then Smith *didn't* proceed with the rant that we now expect from people who feel themselves to be, a little too obviously, in the right. Instead Smith—keeping the inevitable follies of politics in mind—came to a humble conclusion: "We may perhaps say of it what was said of the laws of Solon, that, though not the best in itself, it is the best which the interests, prejudices, and temper of the times would admit of."

Without this humility, reading in Adam Smith's philosophical project would be as grim as living in Kim Jong Il's philosophical project, North Korea. Smith's humble attitude extended beyond the ideal to ideas themselves, to his *amour propre*. In an early essay, "The History of Astronomy," Smith wrote that he was "endeavoring to represent all philosophical systems as mere inventions of the imagination, to connect together the otherwise disjointed and discordant phenomena of nature." He went on to chastise himself for agreeing too much with Sir Isaac Newton's physics, making "use of language expressing [their] connecting principles as if they were the real chains which Nature makes use of to bind together her several operations."

It would take, literally, an Einstein to show how right Smith was.

Adam Smith intended to publish three "inventions of the imagination,"

P.J. O'Rourke, a contributing editor to THE WEEKLY STANDARD, *is the author, most recently, of* Peace Kills: America's Fun New Imperialism.

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The Theory of Moral Sentiments, *The Wealth of Nations*, and a third on those most inventive and imaginary connections, law and government. The last was never finished, and just before Smith died he had his notes and drafts burned. Perhaps with reason. Doing good and doing well should be enough for us. That we then should be obliged to listen to campaign ads and campaign speeches, make campaign contributions, and vote for idiots is asking too much. As Smith himself declared in *Moral Sentiments*, "We may often fulfill all the rules of justice by sitting still and doing nothing."

And it is from a certain type of sitting still and doing nothing that, according to *The Theory of Moral Sentiments*, our sense of right and wrong arises. The foremost invention of our imagination is morality.

Adam Smith began *Moral Sentiments* with the riddle upon which all our well-being depends: "How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it . . ."

The root of these principles is sympathy. Humans possess one emotion that cannot be categorized by cynics as either greed or fear. And it isn't love. One may love without any fellow-feeling, the way John Hinckley proved his love for Jodie Foster.

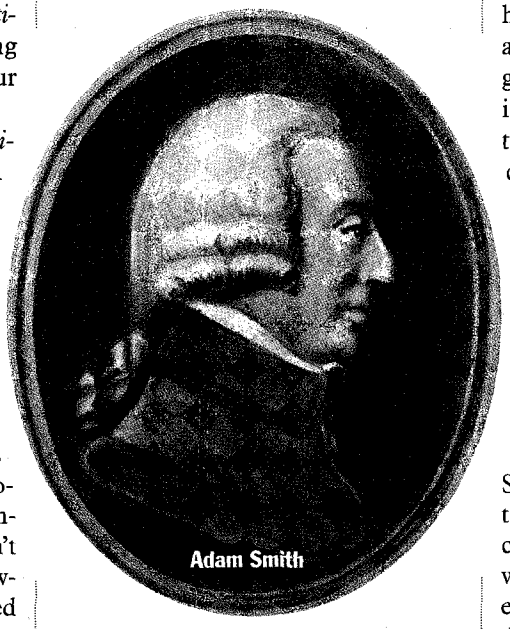
Our sympathy makes us able, and eager, to share the feelings of people we don't love at all. We like sharing their bad feelings as well as their good ones. We enjoy, in a daytime-TV way, commiserating with the sorrows of perfect strangers.

This sympathy, Smith argued, is completely imaginative and not, like most emotions, a product of our physical senses. No matter how poignantly sympathetic the situation, we don't feel other people's pain. In a preemptive rebuttal of a future president, Smith used the example of seeing one's brother being put to the rack. (Although the brother of Roger Clinton might have chosen a more sympathetic case.) "Our senses," Smith declared, "never did, and never can, carry us beyond our own person." It is our imagination that generates sympathy.

People have the creative talent to put themselves in another person's place and to suppose what that other person is feeling. Even very stupid and frivolous people have this creative talent. We call them actors.

But sympathy by itself—be it for friends, strangers, humanity, or Clintons—can't be the basis of a moral system. Otherwise a person who watched daytime TV all day would be regarded as a saint.

Imagination, already working to show us how other people feel, has to work harder to show us whether what they feel is right or wrong. Then there's the problem of whether *we're* right or wrong. We'll always have plenty of sympathy for ourselves. "We are not ready to suspect any person of being defective in selfishness," Smith wrote. "This is by no means the weak side of human nature."


Adam Smith

Our imagination must undertake the additional task of creating a method to render decent judgments on our feelings and on the feelings of others and on the actions that proceed from those feelings. Adam Smith personified these conscious imaginative judgments and named our brain's moral magistrate the "Impartial Spectator."

We envision the Impartial Spectator as having perfect knowledge of everyone's circumstance, experience, and intentions. And since the Impartial Spectator is imaginary and has no self, it has no selfish interest in any judgment that is made. Smith claimed that what we do, when we develop morality, is shape our natural sympathies into the thoughts and actions that we would expect from an Impartial Spectator who is sympathetic, but objective and all-knowing, yet still sympathetic anyway.

"When our passive feelings are almost always so sordid and so selfish, how comes it," Smith asked, "that our active principles should often be so generous and so noble?" The answer is "the inhabitant of the breast . . . the great judge and arbiter of our conduct." Looking at things from the Impartial Spectator's point of view instructs us in the self-discipline that we need to behave well in our condition of natural liberty. Consider how toddlers or drunks behave, who haven't yet received, or who have temporarily forgotten, their instructions.

If, Smith wrote, the Impartial Spectator did not teach us "to protect the weak, to curb the violent, and to chastise the guilty," then "a man would enter an assembly of men as he enters a den of lions." Or toddlers. Or drunks. Or Jack Abramoff's office.

The imagination that creates the Impartial Spectator is not the easy, whimsical imagination of young people. Nothing in *The Theory of Moral Sentiments* resembles the improbably colored and far more improbably uncarnivorous tyrannosaurus on PBS. And nothing resembles Bono.

The imagination that Smith described is the strenuous imagination of an Einstein or a Newton, with all the hard work that this implies. The creative effort that imagination makes links the moral sympathy central to *The Theory of Moral Sentiments* with the material cooperation central to *The Wealth of Nations*. The imagination also has to make a creative effort

Illustration: Bettmann / Corbis

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to divide labor and conduct trade. Sympathy and cooperation are the more-conscious and less-conscious sides of what allows civilization to exist. They are the "principles in his nature" that man has, "which interest him in the fortune of others."

Smith saw the moral potential in both our interest in others and our self-interest. When we give somebody a bottle of whiskey, we know we've benefited somebody else. When we drink that bottle of whiskey ourselves in one sitting, we've also benefited somebody else—the distiller, the bottler, the liquor store owner. Feeling disjointed and discordant the next day, we don't realize this, unless we work at "inventions of the imagination, to connect together the otherwise disjointed and discordant phenomena of nature." This apparatus of unintended benefit was what Smith meant by the "Invisible Hand," a concept he first put forth in *The Theory of Moral Sentiments.*

It's a mistake to read *The Wealth of Nations* as a justification of amoral greed. *Wealth* was Smith's further attempt to make life better. In *Moral Sentiments* he wrote, "To love our neighbor as we love ourselves is the great law of Christianity." But note the simile that Christ used and Smith cited. *The Theory of Moral Sentiments* was about the neighbor. *The Wealth of Nations* was about the other half of the equation: us.

It is assumed, apparently at the highest level of moral arbitration, that we should care about ourselves. And logically we need to. In *Moral Sentiments* Smith insisted, paraphrasing Zeno, that each of us "is first and principally recommended to his own care." A broke, naked, starving self is of no use to anyone in the neighborhood. In *Wealth* Smith insisted that in order to take care of ourselves we must be free to do so. *The Theory of Moral Sentiments* showed us how the imagination can make us care about other people. *The Wealth of Nations* showed us how the imagination can make us dinner and a pair of pants.

If we don't perform the difficult tasks that imagination requires, we put ourselves into what Smith called "the vilest and most abject of all states, a complete insensibility to honour and infamy, to vice and virtue." It is a state that Smith might also have described as "running for political office."

Villains are imaginative only in the public imagination. Recent corporate scandals might seem to be inventive schemes of evil genius. But clearing the fog of accounting and finance reveals a prosaic hand in the till. Policemen, bartenders, parents, and anyone else who has seen wrong done in large amounts can testify to Hannah Arendt's "banality of evil." Banality is the main constituent in criminal thinking.

Even less imaginative than criminals, and only occasionally to be distinguished from them, are the world's political leaders. Very few politicians would do the things they do if they had any capacity to put themselves in another person's place.

What imagination our political leaders have is spent on being visionaries. They draw their blueprints for society in their minds, building gulags in the air, fairy-weaving politics, geopolitics, and political economy into elaborate systems. In *The Theory of Moral Sentiments* Adam Smith was prescient in his scorn: "The man of system . . . is apt to be very wise in his own conceit; and is often so enamored with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it. . . . He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board."

The chess hustlers in Venezuela, Russia, the United States, and the E.U. may be "the best which the interests, prejudices, and temper of the times would admit of." But, read together, *The Theory of Moral Sentiments* and *The Wealth of Nations* contain a strategy to put them in moral checkmate. ♦

God in a Dustbin

The brief, tumultuous life of Amedeo Modigliani.

BY DIANE SCHARPER

After a night of drunken revelry, Amedeo Modigliani (1884-1920) was awakened by someone pulling his sleeve. When he opened his eyes, he could see street cleaners laughing at him. Then he realized that he couldn't move. He had spent the night forcibly thrust in a large trash can with his knees bent under his chin. He stank, was covered in filth, and had lost his pale blue sketchbook as well as his identity papers. Modigliani stood up and tried to laugh it off, calling himself "a god in a dustbin."

Modigliani
A Life
by Jeffrey Meyers
Harcourt, 288 pp., $27

Only five feet five inches tall, this dustbin god was extraordinarily handsome with thick, dark hair, hot, lustrous eyes, and a strange mixture of brooding melancholy and Latin lust. As Pablo Picasso's mistress put it, Modigliani's beautiful Roman head and nearly perfect features compelled attention. So did his art and life. One of the 20th century's most gifted artists, Modigliani may be the greatest Italian painter since the Renaissance. Yet when he died at age 35 of tubercular meningitis in a charity hospital, he had received almost no recognition for his work.

Diane Scharper is professor of English at Towson University.

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'Leopold Zborowski' (1916-17)

Corbis / Francis B. Mayer

Modigliani did not paint still lifes, abstract pictures, or animals. He painted a few landscapes à la Cézanne, but concentrated on full-face portraits and nudes presented in a dramatic and confrontational style. With their fluid lines, warm tones, coiled bodies, and elongated necks, his paintings are voluptuous and sensual as well as soulful. Among his subjects were some of the greatest artists and writers of his time.

Although Modigliani didn't keep track of his sculptures and paintings, 25 statues and about 350 paintings have survived—including 36 nudes, 15 portraits of Beatrice Hastings, one of his many lovers, and 23 portraits of Jeanne Hébuterne. Hébuterne was his common-law wife who, nine months pregnant with the couple's second child, committed suicide the day after Modigliani died by throwing herself backward out of her parents' fifth-story window.

In *Modigliani*, Jeffrey Meyers tries to capture the "protean artist" and show how chaos fueled Modigliani's "alluring and strangely tranquil art." A tall order but, despite the difficulties involved, Meyers generally succeeds.

Modigliani left behind only a few primary sources, including some letters to his mother and friends, several frayed documents (some indicating he intended to marry Hébuterne and adopt their illegitimate daughter) and several poems, which brim with suggestion and ambiguity but not with facts that could be used in documenting a life. In addition, much of his art did not name a model, nor was it signed or dated. Some of it was lost.

Telling Modigliani's story, Meyers distills information from other biographies. The best include *Amedeo Modigliani* (1952) by Jacques Lipchitz, a close friend of the artist; *Modigliani* (1967) by the sculptor Pierre Sichel, arguably the most complete portrait of the artist, whose focus is on the relationship between art and chaos in Modigliani's life; and *Modigliani: Man and Myth* (1958) by the artist's illegitimate daughter, Jeanne, now deceased.

Since much of the high drama has already been covered in numerous books and films, Meyers only touches on the bohemian excess of the artist's life. So if one is looking for a what-happened-between-the-sheets biography, this isn't it. Instead of emphasizing Modigliani's relations with his paramours (including Anna Akhmatova, and Simone Thiroux, as well as those already named), Meyers focuses on the art that developed from these relationships.

He enlivens the book's disappointing black and white reproductions with commentary by art historians and critics, as well as his own detailed descriptions of the paintings. Meyers also emphasizes the places where Modigliani worked and lived, and while this tends to slow the narrative and keep readers at arm's length from the artist, it also grounds the subject, making him seem more alive.

Modigliani's reckless, convulsive, and brief life began in Livorno in 1884. The youngest child of Sephardic parents, Amedeo Clemente Modigliani, called Dedo by his family, was a mama's boy.

His father was a mild-looking, mild-mannered man who played an insignif-

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icant role in the family partly because he was often absent on business. His absences increased when an economic crisis in Italy bankrupted the family business.

Dedo's mother, Eugenia, was trilingual, educated, well-read, and cosmopolitan. An able, though not necessarily inspired, writer, she wrote poetry and earned extra money by translating poetry and reviewing books. His mother's darling, Modigiliani was precious, precocious, frail, and spoiled.

He was also a beautiful child: A photograph taken of the one-year-old boy already shows the thick, dark hair, full sensual lips, and large penetrating eyes that made the adult Modigliani so attractive. By his 14th birthday, however, he had contracted typhoid fever, tuberculosis, and pleurisy, and he had the feverish eyes of a consumptive which, Meyers suggests, made him all the more alluring.

According to family lore, Modigliani, delirious with fever, had fantasies of the masterpieces in Italy's churches and art museums and dreamed that he would become a great artist. Dropping out of school when he was 14, Modigliani studied art in a Livorno academy influenced by the Italian Impressionists. He also attended life-drawing classes; both experiences inspired his later work. But no sooner did he make progress in his chosen vocation than he again became seriously ill.

To help him recuperate, his mother took him to Italy's warmer south, where Rome captured Modigliani's imagination.

"Its [Rome's] feverish delights, its tragic landscape, its beautiful and harmonious forms," he wrote to a friend, "all these are mine through my thought and my work." But Modigliani never completely recovered from tuberculosis, and because he lived a profligate life, his health was always poor. (He had to give up sculpture because the dust harmed his bad lungs.) At best, Modigliani was subject to frequent respiratory illnesses; at worst, he experienced debilitating episodes of hemorrhaging.

After studying at the Academy of Fine Arts in Florence, then in Venice and in Rome, Modigliani moved to Paris in 1906 and opened a studio in Montmartre. Two years later, he relocated to the less expensive Montparnasse, where he tried to augment his mother's monthly allowance by selling his paintings and drawings in cafes. Modigliani became friends with many of the important artists of the time, including Picasso, Marc Chagall, Lipchitz, Jacob Epstein, Chaim Soutine, and Maurice Utrillo. He also became enamored of African sculpture and Byzantine art, and both exerted major influences on his work. The tranquil features of African sculpture led Modigliani to simplify and exaggerate his models' faces. The sinuous, elongated figures, dark skin, tilted heads, almond-shaped eyes, tiny mouths, and sharp noses of Byzantine icons also inspired his style.

But Paris also propelled Modigliani's tendencies to dissipation and self-destruction. Soon the handsome, dreamy youth turned from a mama's boy into a womanizer and *peintre maudit.*

Lunia Czechowska, a friend and model and one of the few who refused to be seduced by him, described Modigliani's method of painting and drinking:

> I can see him now, in his shirtsleeves, his hair tousled, trying to put my features down on canvas. From time to time his hand would extend towards a bottle of cheap brandy. I could see that the alcohol was having its effect, he was getting increasingly excited; I no longer existed, he only saw his painting. He painted with such violence that the painting fell on its head as he leaned forward to look at it more closely.

Although not known as a poet, Modigliani wrote verse and loved Dante; he would declaim passages from the *Inferno* from memory. Inspired by Anna Akhmatova, the great Russian poet who would become his first muse, he read and studied Russian poets and the French Symbolists like Charles Baudelaire and Arthur Rimbaud. Lipchitz was once awakened at three in the morning by Modigliani's pounding on the door,

Hulton-Deutsch Collection / Corbis

Amedeo Modigliani, 1909

demanding a volume of poetry by François Villon. When Lipchitz gave him the book, the drunken artist settled in a chair and began to read the poems aloud. The neighbors complained vociferously, but he continued to read and drink, his voice growing louder to drown out the discordant noise around him.

Modigliani took increasingly to alcohol, opium, hashish, absinthe, gin, and anything "he could get down his throat." His patrons used wine and whiskey to increase his productivity. One art dealer would lock Modigliani in a basement with a model and a bottle of cognac. But even as his relationships, finances, social status, and health deteriorated, his creative powers remained until nearly the end of his life. At that time, Modigliani wrote several obscure and untitled poems in French in which he tried to cope with his sense of impending doom. One of them muses on the failure of his artistic ambitions; another contemplates death as an escape from illness; still another, echoing St. John of the Cross, refers to the tortured artist's own "dark night of the soul."

It is ironic that Modigliani wrote poetry to say what he could not express in art. Here he captured his own madness and method, as well as the whole scope of his art and life:

Evoke? hubhub
Great silent hubhub
In the soul's midnight
O silent cries!
Bayings, calls, melodies,
High, high toward the sun. ♦

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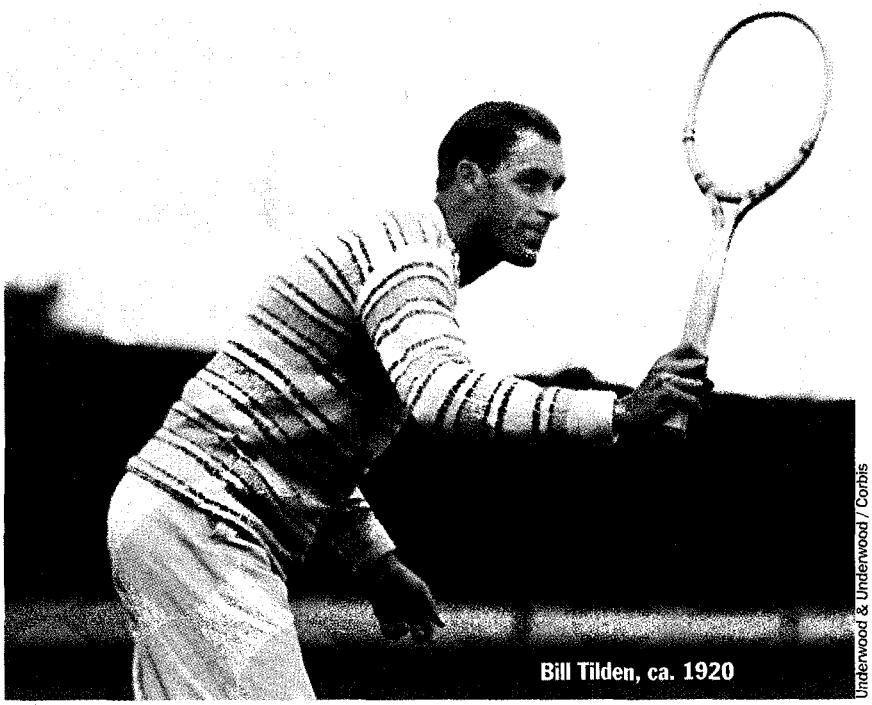
Net Loss

The ladies and gentlemen of tennis.

BY JEFFREY HART



Underwood & Underwood / Corbis

Bill Tilden, ca. 1920

During a junior tournament at the Los Angeles Tennis Club, Don Budge, then the best young player in northern California, won a match impressively. Expecting a compliment from Perry Jones, czar of West Coast tennis, he instead received a snarl: "Budge, those are the dirtiest tennis shoes I ever saw in my life. Don't you ever—don't you ever—show up again on any court anywhere at any time wearing shoes like that."

Budge had grown up poor in Oakland. He remembered that, and all that it meant, including respect for the game.

Jeffrey Hart, professor emeritus of English at Dartmouth, is the author, most recently, of The Making of the American Conservative Mind: The National Review and Its Times.

Organized tennis involves "leveling up, rather than leveling down," an apt description formulated by the late E. Digby Baltzell, professor of sociology at the University of Pennsylvania and tennis historian. His *Sporting Gentlemen* (1995) combined both history and social analysis, virtually scripture on both.

In 1935, at age 19, Budge played his first year of world-class tennis. At Wimbledon, the great German champion Baron Gottfried von Cramm begged for a word with Budge and they sat on a club porch bench. The baron told Budge he had shown bad sportsmanship in throwing a point when he thought an opponent had received a bad call. Many players did that: Bill Tilden, for example, with an irritating theatrical flourish. Budge had thought throwing a point to be good sportsmanship.

Cramm explained. Budge had embarrassed the linesman before a large Center Court crowd. After all, the linesman had been trying to do his job. Implicit here was the view that the entire game—players, linemen, umpire, ball boys—were part of something much larger: The Game.

That also was the meaning of the lines from Kipling's poem "If —" inscribed on a sign over Center Court entrance: "If you can meet with Triumph and Disaster / And treat those two imposters just the same . . . you will be a man," that is, a gentleman, congratulating your opponent for a well-played game, and meaning it. A similar sign once hung over the entrance to the Stadium court at Forest Hills, the American Wimbledon.

During the winter of 1937, Budge perfected strokes he had seen Fred Perry use in a professional match against the great Ellsworth Vines, taking the ball on the rise and so achieving a great deal of added power. With Budge's physical strength, this was devastating.

On July 20, 1937, in the Davis Cup interzone final on Center Court at Wimbledon against Germany (the winner was expected to defeat Great Britain, the defending holder, and win the Davis Cup), Don Budge, the poor boy from Oakland, and Baron von Cramm, the Prussian aristocrat, played in what experts then and as long as they lived said was the greatest match in the history of tennis.

In 1937, international relations were tense. Just before going on Center Court, the Baron was called to the phone. It was Hitler. From Berlin. Wishing Cramm the best of luck. I myself, age seven, listened on my tiny plastic radio. Indeed, everyone my parents knew was listening, many rooting for the blond and blue-eyed, almost too-handsome baron. (After this match, I seized my father's old tennis racket and began practicing against a wall.)

Perhaps never before nor since in a world-class match has the placement-to-errors ratio been anything like this, two winners to every error. As perfect as tennis can get. The Baron, playing at his peak, went up two sets to one, Budge battled back and forced a fifth set, which went to 7-6, Budge serving.

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On Budge's fifth match point the Baron hit a strong cross-court forehand. Budge sprinted to his right, stretched to hit a forehand down the line and, falling forward, did see the ball fly down the line past Cramm's outstretched racket.

Budge lay stretched out on the grass, not knowing whether the shot had gone in. Then he heard the rising cheer of the crowd. The ball had landed just inside the line. The Cup would go to the United States.

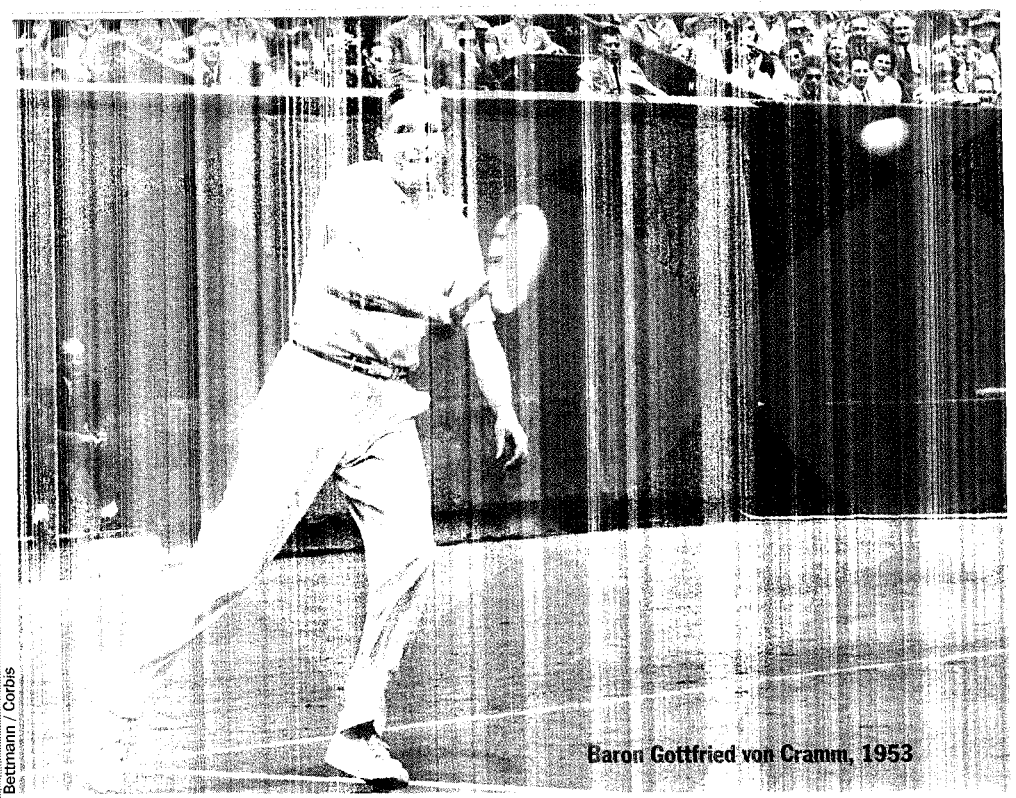
Cramm waited at the net to congratulate Budge: "Don, this was absolutely the finest match I have ever played in my life." (Hitler's reaction can be imagined.)

At the net, Cramm congratulated Budge—there it is. The match, The Game, was the thing, not triumph, not disaster. It had been a triumph for both players. Bill Tilden greeted Budge as he walked off the court and said it had been the greatest match he had ever seen. Much later, when Budge came out of the club house, he noticed that most of the crowd remained in their seats at Center Court, apparently shocked by what they had seen.

The Baron, despising the Nazis, knew many of the conspirators in the July 1944 bomb plot that almost killed Hitler, but was not implicated. The poor boy from Oakland, with the dirtiest tennis shoes Perry Jones had ever seen, now had become a paradigm, a gentleman, and indeed never played in shorts but in long white flannels and imported polo shirt. He later became a statesman of the sport, which had been more than a sport. Perry Jones and the baron had been part of the process of "leveling up, not down."

The Gentleman was an English invention, and it is not too much to say that the invention of the gentleman was the reason England did not have its own version of the French Revolution.

The gentleman was a new social form on which the aristocrat and the wealthy commoner could meet, minimizing their differences as both became gentlemen. The aristocracy had to temper its manners. No more strutting, spitting on the floor, dueling, chasing women all over the place in the manner of Lord Rochester or Don Juan. The aristocracy had to be permeable by the wealthy commoners, marrying their wealthy daughters, as the commoners improved their manners and acquired polish and some learning, also buying country estates. The aristocrats went into respectable businesses.



Bettmann / Corbis

Baron Gottfried von Cramm, 1953

The idea and the ideal of the gentleman began to be shaped by the *Spectator*, written mostly by Joseph Addison and Richard Steele, a single sheet printed on both sides, and appearing daily between March 1711 and December 1714. The essays dealt with a wide range of subjects in a way that made them available for polite conversation, and the style was the gentleman's style, educated but not bookish, though each essay had a Latin epigraph, perhaps useful for other occasions for readers lacking classical education.

The *Spectator* was urbane and confident, and when condemning, did so with a deadly smile. As his Tory enemy Alexander Pope wrote, Addison was "willing to wound, and yet afraid to strike, / Just hint a fault, and hesitate dislike." It was enough. The *Spectator* deplored fanaticism and political partisanship, but essay Number 69 was a prose poem in praise of the Royal Exchange (or stock market). The *Spectator* was quietly Whig.

The core of the *Spectator* consisted of a series about Sir Roger de Coverley, Sir Andrew Freeport, and their Club, a congenial group, the idea of the gentlemen's club launched as a key institution.

Sir Roger, a Tory, lived in Coverley Hall, a landed estate, had been a rake during the Restoration, loved, dueled, and now was an expert on the infinitely complex and also absurd Game Act. His clothes were out of date. Kindly, picturesque, loved by his servants, he was "rather beloved than esteemed."

The serious member of the Club, representing the economic future, was Sir Andrew Freeport, successful but crude. His "ships always return a handsome profit," but he said things like "a penny saved is a penny got" and "the sea is the British Common." He believed that commerce creates more lasting dominion than arms. Sir Andrew was vulgar, but right. He needed to study the *Spectator*, find civilized things to talk about, have opinions about Milton and Locke. In the end, Sir Roger died, but Sir Andrew bought a country estate.

If the *Spectator* provided the paradigm, Samuel Richardson's *Clarissa* (1749) was the epic, an enormous bestseller and a warning of what could happen if the social compromise on the gentleman did not work. Sir Richard Lovelace is a Rochester or Don Juan. Pursuing the wealthy Clarissa Harlowe, he does not marry

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her but, refused in his advances, kidnaps her and locks her in a room. She resists him through most of six volumes. Desperate, he drugs and rapes her; she lingers for many pages, dying of a broken heart.

Justice requires that Lovelace (loveless?) must die. Clarissa's relative, a Colonel Morden (death), catches up with him and kills him in a duel that takes place in socially stratified France. Duels cannot disgrace English soil, but apparently are permissible for an English military man who is really an executioner. That blade will be the guillotine during the revolutionary Terror. Among the causes of the Revolution had been the rigid class system and the exclusion of wealthy commoners from the upper ranks of French society.

C.S. Lewis (see his essay "Addison") thought it still difficult for a Frenchman to become a gentleman, a social role remaining English. As the contemptuous French word "bourgeois" suggests, the French did not successfully create a gentleman class; and in fact, France had no Victorian period, no Dickens and Tennyson but, rather, Flaubert and Baudelaire.

No consideration of the American gentleman would be complete without mentioning the remarkable Hobart Amory Hare (Hobey) Baker, the beau ideal of the gentleman class before the Great War. From a Philadelphia Main Line family, he went to St. Paul's and Princeton, and is in both the football and hockey Hall of Fame. He held the Princeton scoring record in football until Cosmo Iacavazzi broke it during the 1960s. (Baker's record is remarkable because of the rounder shape of the old ball.) Baker kicked field goals, and was a spectacular runner, especially on punt returns. When he was fouled on the field, he sometimes wept, not because he was hurt, but because the game had been; and once he carried an injured opponent off the field. After an especially good game, he went into the opponents' locker room to congratulate them.

Not surprisingly, F. Scott Fitzgerald hero-worshipped Baker. In one of Fitzgerald's variations on the gentleman theme, James Gatz tries to invent himself as a gentleman named Jay Gatsby, "old sport," who has even gone, sort of, to Oxford (the English Princeton). As a gentleman, Baker fought in the skies over the Western Front but was killed after the Armistice while test-flying a repaired plane.

Though the gentleman Arthur Ashe won the men's U.S. Open in 1968, tennis was assaulted beginning in that same antinomian era by such talented vandals as John McEnroe and Jimmy Connors, whose manners were unacceptable, atrocious. But today the gentlemanly ideal is reasserting itself, notably in Roger Federer, who understands his place in tennis history, and so is aware of something much larger than any individual or any match. He shows this awareness in all aspects of his behavior: his tennis clothes, for example, and his flawless demeanor. ♦

Fashionista No. 1

Be thankful you didn't work for Miranda Priestly.

BY JOHN PODHORETZ

The Devil Wears Prada is beyond criticism. If you don't love every single minute of it, there's probably something wrong with you. There hasn't been a movie like this one in decades, a glossy spectacle about an eager young thing who comes to New York to make it in the Big City and emerges after a single year sadder and wiser and, of course, a raging success story.

Though the year is nominally full of trauma and heartbreak, through it all our naive but intrepid heroine Andy Sachs is actually having the time of her life—and my life, and your life, and just about anybody else's life. She learns how to wear haute couture, how to navigate the hazardous shoals of the dog-eat-dog workplace, and how to look absolutely spectacular in various Manhattan and Paris locations. And Andy does all this while remaining a nice, sweet person.

The Devil Wears Prada
Directed by David Frankel

The only difference between *The Devil Wears Prada* and predecessor films from the 1950s like *The Best of Everything* and *How to Marry a Millionaire* is that our heroine doesn't end up married to a really swell guy who saves her from spinsterhood. But listen, she's 22 years old and, these days, Hollywood doesn't marry off 22-year-old girls, even when they have really cute chef boyfriends who stay up late making them grilled pecorino cheese sandwiches. And if he's not good enough, how about the hot and sexy young novelist who reads all her clips, listens to her bellyache about her job, and shares a huge piece of plot-altering gossip with her after a saucy Gallic romp in a Left Bank suite?

You've heard, perhaps, that *The Devil Wears Prada* is a portrait of a monstrous New York boss—and not just any monstrous New York boss, but the notoriously abusive editrix of *Vogue*, Anna Wintour. Certainly, the novel on which the movie was based takes a hatchet to Wintour, as our intrepid heroine Andy finally exits her horrific job at *Runway* magazine by screaming "F— you" at her evil boss in front of Parisian paparazzi. The Wintour character, Miranda Priestly, eminently deserves her assistant's violent imprecations, since she has spent 412 pages

John Podhoretz, a columnist for the New York Post, *is* THE WEEKLY STANDARD'*s movie critic.*

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behaving in an absolutely wretched and selfish fashion toward Andy and all the less powerful, less wealthy, and more desperate people in her employ.

The novel's author, Lauren Weisberger, did something valuable by publishing *The Devil Wears Prada*, and not just because the book made her rich and famous. She put monster bosses everywhere on notice: Be a bully and do evil to your powerless underlings and one day one of them might write a barely disguised novel about you that will make you a laughingstock. *The Devil Wears Prada* isn't a good book, but it might be a revolutionary one—a kind of negative etiquette manual of immense force.

The key to the movie's success is that it defangs Miranda Priestly. As played by Meryl Streep, Miranda isn't really a monster, just a force of nature with a Machiavellian streak. Her major defect is that she drops her coat on poor Andy's desk as though she were Nacho Libre bodyslamming a dwarf wrestler. Even Miranda's nuttiest and most impossible demands—like insisting that Andy procure a typescript of a new Harry Potter novel for her daughters to read a year before publication—don't seem so impossible or nutty when Andy succeeds in fulfilling them. Isn't Miranda just demonstrating that if you challenge your eager young workers, they will move heaven and earth for you?

Even better, from a clothing-porn point of view, is how Miranda's contempt for Andy's affectless fashion sense causes the young woman to plead for a makeover from the imperiously queenly fashion director of the magazine (an amazing Stanley Tucci, who gives new life to the sibilant "s"). In 30 seconds, in the lissome personage of the bright young actress Anne Hathaway, Andy becomes the second coming of Audrey Hepburn—this time with cleavage.

Director David Frankel and scenarist Aline Brosh McKenna seem to have taken their creative inspiration not from Weisberger but, rather, from the vicious attack on Weisberger's book published in the *New York Times Book Review* by a former subaltern of Anna Wintour's named Kate Betts—who herself became well-known as a difficult boss during her tenure at the helm of *Harper's Bazaar*.

Twentieth Century Fox / Barry Wetcher

Anne Hathaway

"Having worked at Vogue myself for eight years and having been mentored by Anna Wintour, I have to say Weisberger could have learned a few things in the year she sold her soul to the devil of fashion for $32,500," Betts wrote in one of the most inadvertently revelatory paragraphs ever published by the *Times*. "[Weisberger] had a ringside seat at one of the great editorial franchises in a business that exerts an enormous influence over women, but she seems to have understood almost nothing about the isolation and pressure of the job her boss was doing, or what it might cost a person like Miranda Priestly to become a character like Miranda Priestly."

To which pathological pathos one might appropriately respond: Do "isolation and pressure" really give Wintour-Priestly the right to scream at her hundred-hour-a-week assistant because she herself forgot to renew her own children's passports? Does the insanely trivial act of deciding whether magenta or taupe is the color for February afford anyone the psychic leeway to act like Catherine the Great? No matter. Unlike the book, the movie is chock-full of the stuff Betts demanded—stuff about what it costs Miranda Priestly to be Miranda Priestly, and how sad and lonely her life is. This allows Meryl Streep to seem oddly lovable, especially since she clearly likes Andy as much as we do. Everyone's happier, including the audience, to discover that the devil is really an angel in disguise. ♦

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Parody

After a barrage of missile launchings by North Korea, President Bush and his national security advisers found themselves on Wednesday facing what one close aide described as an array of "familiar bad choices." —New York Times, July 6, 2006

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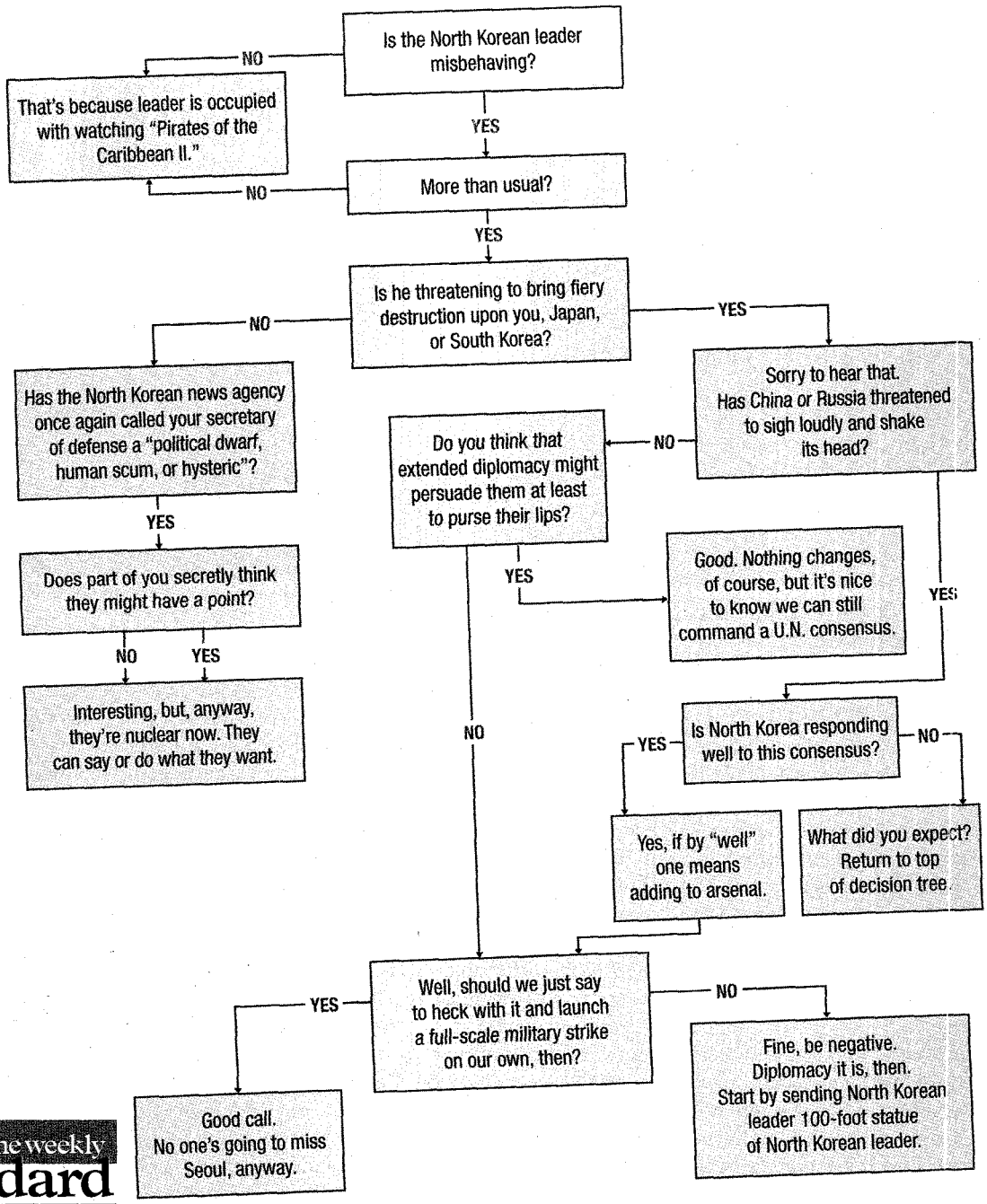
PRESIDENTIAL BRIEFING PAPER
FAMILIAR BAD POLICY CHOICES ON NORTH KOREA: DECISION TREE



the weekly Standard
JULY 17, 2006

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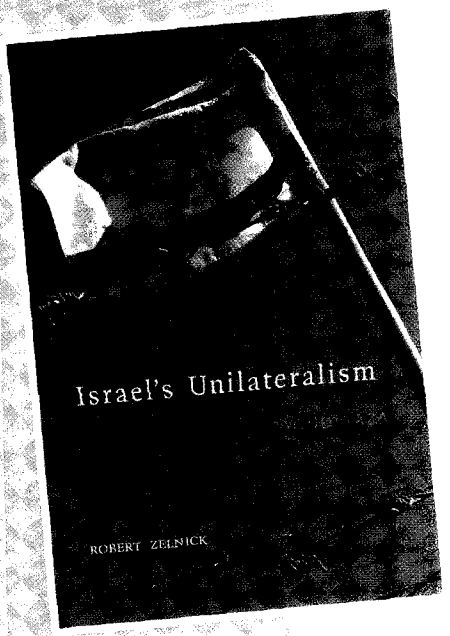
New from the Hoover Press

Israel's unilateral disengagement from Gaza—how and why did it happen?



"If there is a single book that can tell us where Israel stands today and where it is likely to go from here, it is this one."

—Salameh Nematt,
Washington bureau chief for Al-Hayat newspaper

"Bob Zelnick's study of Israeli unilateralism fills two important needs: for academics, it is a comprehensive initial examination of an issue that will dominate Israeli-Palestinian relations for years to come; and for policy makers, it is a primer on the next steps in the peace process. Zelnick's thorough review of Israel's disengagement policy sets the stage for understanding why the consensus within Israel has shifted so dramatically in support of Israeli-Palestinian separation. The extensive interviews conducted by Zelnick add depth and color to this insightful study."

—Daniel C. Kurtzer
Former United States ambassador to Israel and Egypt and the S. Daniel Abraham Visiting Professor of Middle East Policy Studies at Princeton University's Woodrow Wilson School of Public and International Affairs

In August 2005, Israel closed its Gaza settlements and withdrew some 8,000 Jews who had lived there. In *Israel's Unilateralism*, award-winning journalist Robert Zelnick explains Israel's once-unthinkable disengagement from Gaza and tells what it might lead to in the future. In his highly engaging journalistic style, Zelnick chronicles the evolution of the policy that led to this earth-shaking event and underscores the politically realist-minded assumptions that continue to drive the policy forward.

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